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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: CHAD

1. The Committee considered the initial report of Chad (CRC/C/3/Add.50) at its 546th to 548th meetings (see CRC/C/SR.546-548), held on 24 and 25 May 1999 and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the submission of the report, while noting that the report did not always follow strictly the guidelines established by the Committee. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/CHAD.1), while regretting their late submission, and of the additional information provided to it during the course of the dialogue, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the constructive and cooperative dialogue with the State party's delegation, as well as its frankness and self-critical approach.

B. Positive aspects

3. The Committee welcomes the improvement in the human rights situation that has resulted from the end of civil conflict and the achievement of a political settlement. It welcomes in particular the measures undertaken by the State party to improve the implementation of the Convention since the initial report was prepared in 1996. It notes current efforts to draft legislation that will improve the protection of children from all forms of abuse and appreciates the attempts made by the State party to involve customary and religious leaders in the implementation of the rights of the child.

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* At the 557th meeting, held on 4 June 1999.

4. The Committee also welcomes the fact that Chad has recently moved to ratify the African Charter on the Rights and Welfare of the Child.

5. The Committee welcomes the establishment in 1998 of a Parliament for Children that may contribute to the State party's efforts to address widespread resistance to the consideration of the views of the child, due to traditional customs and attitudes.

6. The Committee welcomes the preparation by the Ministry of Social Action and the Family of a National Programme for Persons with Disabilities, the decision to exempt children with disabilities from all educational fees, and the efforts of the State party to cooperate with NGOs in this field.

7. The Committee appreciates the establishment of a technical unit within the Ministry of Education to encourage schooling for girls.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee is aware of the difficulties encountered by the State party, noting that the State party is among the least developed countries of the world, and that the devaluation of the CFA franc and the implementation of structural adjustment programmes affect the implementation of the Convention. The lack of access to the sea, as well as environmental degradation, and the difficulties involved in dealing with a large territory which includes sparsely populated areas pose additional problems.

9. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the Convention, especially with regard to girls.

10. The Committee notes that the legacy of violence left by decades of civil war in the State party creates additional obstacles for the full implementation of the Convention.

D. Principal subjects of concern and Committee recommendations

1. General measures of implementation

11. While the Committee notes the efforts of the State party to review legislation, including the recent adoption of several laws dealing with different aspects of juvenile justice and the drafting of legislation to protect children against different forms of abuse, it remains concerned that other domestic legislation does not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the current and proposed legislation covering children's rights is fragmented in different laws. **The Committee recommends that a thorough review of all existing legislation be conducted to bring it into line with the provisions of the Convention and suggests that the State party consider enacting a comprehensive children's code, as recommended by the 1993 Sovereign National Conference.**

12. The Committee takes note of the close collaboration between the Department for Children of the Ministry for Social and Family Affairs and the

Child Protection Department of the Ministry of Justice. It also notes the existence of the National Committee for the Coordination and Implementation of the Objectives of the National Programme of Action for Chadian Children (PRONAFET). The Committee remains concerned about the lack of effective coordination of the implementation of the Convention on the Rights of the Child. It notes with concern the lack of an effective mechanism to ensure systematic implementation of the Convention and the monitoring of progress achieved. **The Committee recommends that the State party take all appropriate measures to strengthen coordination of the implementation of the Convention by a governmental mechanism with adequate powers, functions and resources. Coordination must take account of the need to give due regard to the integrated approach of the Convention. The Committee encourages the State party to improve or expand an existing mechanism or establish an independent one to monitor implementation, and to identify within the existing framework a focal point to deal with child complaints of violations and ensure that violations of child rights are duly addressed.**

13. Concern is expressed at the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially the most sensitive, such as child abuse or ill-treatment, but also in relation to all vulnerable groups of children, especially girls, children with disabilities, children living in rural areas, children living in poverty and refugee children. **The Committee recommends that the State party undertake efforts to develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age in the various areas covered by the Convention, including children belonging to vulnerable groups. Technical cooperation in this area from, inter alia, UNICEF, is encouraged.**

14. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party. **The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention. Budget allocation for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources.**

15. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that the measures adopted to promote widespread awareness of the principles and provisions of the Convention among both adults and children need to be strengthened. Welcoming the efforts of the State party to carry out sensitization programmes on the Convention for traditional chiefs and religious leaders, the Committee considers that training programmes for professional groups working with and for children need to be further developed. **The Committee recommends that the State party reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike, and to change those attitudes that pose difficulties for the implementation of the Convention. It also encourages the State party to continue its efforts to sensitize the community, especially parents, and to sensitize and train traditional and religious leaders, as well as all professional groups working**

with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers.

2. Definition of the child

16. While noting the preparation by the State party of legislation that would set the legal age for marriage at 18 for both boys and girls, the Committee expresses its concern about the different minimum legal ages for marriage under existing legislation for boys (18) and girls (14), and about the lower age for girls which appears to be common for traditional customary law marriages. **The Committee encourages the State party in its commitment to harmonize the minimum legal ages for marriage, increasing the minimum age for girls. It recommends that the State party undertake awareness-raising campaigns on the negative effects of early marriage.**

3. General principles

17. With regard to the implementation of the general principles of the Convention, and in particular article 2, insufficient measures have been adopted to ensure the full enjoyment by all children of the rights recognized in the Convention. The Committee is extremely concerned at the situation of girls, in particular in relation to access to education and to protection from harmful traditional practices, sexual abuse, forced marriages, early marriage and early pregnancy. **The Committee recommends that a more active approach be taken to eliminate discrimination against vulnerable groups of children, especially girls.**

18. While recognizing the efforts of the State party, including the establishment in 1998 of a children's parliament, the Committee is still concerned that the participatory rights of children, as enshrined in the Convention, are not yet taken into account by the society at large. The Committee is particularly concerned that the implementation of article 12 of the Convention regarding the need to give due weight to the views of the child in accordance with the age and maturity of the child is excessively constrained by subjective interpretation under existing legislation. **The Committee recommends that the State party develop further a systematic approach to increasing, including through the media, public awareness in order to make these rights and their implications fully understood by the population at large. In addition, the Committee recommends that, in the requested review of existing legislation, reconsider, without neglecting the need for special support, the right of children under 18 to give evidence in court without being accompanied by their parents or guardians.**

4. Civil rights and freedoms

19. While acknowledging the difficulties posed by the high rate of illiteracy, the Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration and at the lack of implementation of legislative measures requiring parents to register children at birth, especially in rural areas and in particular among nomadic groups. **In the light of article 7 of the Convention, the Committee recommends**

that the State party take all available measures to ensure registration of the birth of all children. The Committee encourages the State party to ensure that birth registration procedures are made widely known and suggests that consideration be given to the establishment of mobile registration units, or other innovative approaches, to facilitate birth registration in remote rural areas and for nomadic groups.

20. The Committee is generally concerned that inadequate attention has been given to the promotion of civil rights and freedoms of the child, as provided for in articles 13, 14, and 15 of the Convention. The Committee is also concerned about respect of the child's right to privacy (art. 16), including at school, and about the right of children to be protected from harmful information and material, in accordance with article 17 of the Convention. Information before the Committee indicates that traditional social attitudes regarding the role of children appear to make it difficult to accept children fully as subjects of rights. **The Committee urges the State party to redouble its efforts to protect children from harmful information and material and to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of accepting fully the concept of child rights, and recommends that legislative measures be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.**

21. The Committee is concerned about inadequate enforcement of existing legislation to ensure that children are treated with humanity and respect for the inherent dignity of the human person. **The Committee recommends that the State party give prompt consideration to the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to review its policies and legislation to provide for full implementation of the provisions of articles 37 (a) and 39 of the Convention.**

5. Family environment and alternative care

22. With regard to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care centres and the lack of support and supervision of the existing ones established by non-governmental organizations. The Committee is also concerned about the conditions of children living in informal types of placement (intra-family "adoption"), whose situation is not periodically reviewed in accordance with article 25 of the Convention. **The Committee recommends that the State party take all appropriate measures to establish alternative care centres for children deprived of a family environment and to set up monitoring for public and private care institutions. In the light of article 25 of the Convention, the Committee further suggests that the State party undertake a study to review the conditions of children living in an informal type of placement.**

23. The Committee takes note of the imminent ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, but remains concerned about the widespread traditional customary practice of "intra-family" adoption. **The Committee encourages the State party to strengthen its legal provisions regarding domestic adoption.**

24. While noting that legislation is being drafted to protect children from all forms of abuse, including forced marriage and incest, the Committee expresses its concern at the insufficient awareness and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, especially in schools and other institutions. It is also concerned at the insufficient legal protection measures, resources and trained personnel to prevent and combat such abuse. The lack of rehabilitation measures for the physical and psychological recovery of abused children is also a matter of concern. **In the light of article 19 of the Convention, the Committee recommends that the State party take all appropriate measures, including adoption of the proposed legislation, to prevent and combat ill-treatment of children, including domestic violence and sexual abuse. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence and special investigators or community focal points.**

25. The Committee is concerned about the use of corporal punishment in families, schools and other institutions. It is concerned about existing legislation that allows the use of corporal punishment in families and correctional facilities, and particularly concerned about its continued use in some religious schools in spite of legislation banning corporal punishment in schools. **The Committee encourages the State party to review its policies and legislation in order to eliminate corporal punishment as a method of discipline, and to improve enforcement of the legislation banning corporal punishment in schools. It recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention. Finally, the Committee encourages the State party to seek international assistance and advice to overcome traditional social and religious attitudes regarding corporal punishment.**

6. Basic health and welfare

26. In relation to the situation of children with disabilities, the Committee expresses its concern at the limited infrastructure, qualified staff and specialized institutions, while welcoming the efforts of the State party to increase services to children with disabilities. The Committee is also concerned about the lack of legislation protecting children with disabilities against discrimination, and about the difficulties encountered in addressing the special needs of children with mental disabilities. **The Committee recommends that the State party increase its efforts to give adequate attention to the special needs of children with mental and physical disabilities, and to encourage the inclusion of disabled children in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.**

27. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality and the important role played by international technical assistance in this regard, it is still concerned about the prevalence of malnutrition, as well as the limited access to health services. The persistence of health problems related to insufficient access to safe water and sanitation are also a matter of concern. **The Committee**

suggests that the State party increase its efforts, with continued support from international assistance, to make basic health care, safe water and sanitation accessible to all children. In particular, concerted efforts are needed to combat malnutrition and to ensure the implementation of the recently adopted national plan of action for nutrition.

28. While the Committee acknowledges the State party's efforts to combat and prevent the transmission of HIV/AIDS, it expresses its deep concern at the spread of the epidemic and its direct and indirect effects on children. **The Committee encourages the State party to refer to the Committee's recommendations formulated during the day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80, para. 243) and to seek international cooperation from UNICEF, WHO and UNAIDS to set up programmes relating to the incidence and treatment of children infected with or affected by HIV/AIDS.**

29. While welcoming the State party's efforts to adopt measures, both legal and educational, to eradicate the practice of female genital mutilation and other harmful traditional practices affecting the health of children, the Committee remains concerned at the difficulties encountered in eliminating such practices. **The Committee encourages the State party to adopt the proposed legislation and strengthen its measures to combat and eradicate the persistent practice of female genital mutilation and other traditional practices harmful to the health of the child. It encourages the State party to continue carrying out awareness-raising campaigns and sensitization programmes for traditional and religious leaders and for practitioners of female genital mutilation.**

30. The Committee acknowledges the State party's efforts in the area of adolescent health, but it remains concerned at the high rate of early pregnancy and the lack of access by teenagers to reproductive health education and services, and to emergency care. It is also concerned at the impact that punitive legislation regarding abortion can have on maternal mortality rates for adolescent girls. **The Committee suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy and illegal abortion. The Committee encourages the State party to review its practices under the existing legislation authorizing abortions for therapeutic reasons, with a view to preventing illegal abortions and improving protection of the mental and physical health of girls. The Committee also encourages the State party to seek continuing assistance from, inter alia, UNICEF and WHO to promote adolescent health policies and programmes, including by strengthening reproductive health education and counselling services.**

7. Education, leisure and cultural activities

31. The Committee welcomes the commitment of the State party to education, and the active support received from international technical assistance in this area. The Committee remains concerned at the very high illiteracy rates, the low enrolment rate and limited access to education, especially in rural areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure and equipment, and gender disparities in school attendance. **The Committee recommends that the State party undertake**

all appropriate measures to improve the quality of and access to education, especially for the most vulnerable groups of children, and to reinforce training programmes for teaching personnel. Furthermore, the Committee suggests that the State party increase its efforts to include the environment, peace education, human rights and the Convention in the school curriculum, especially within the framework of the United Nations Decade for Human Rights Education.

32. The Committee is concerned that family preference for negotiated settlement of incidents of sexual abuse and exploitation of girls by teachers does not provide adequate protection and may lead to double victimization. **It recommends the State party to review this issue to ensure that priority be given to protection from sexual abuse and exploitation, taking fully into account the best interests of the child (art. 3) and all of the provisions of the Convention, and that perpetrators be appropriately sanctioned.**

33. While acknowledging efforts being made to address the problem of students who bring weapons to school, the Committee is concerned at the frequency and level of violence in schools, including bullying among students. **In the light of articles 3, 19 and 28.2 of the Convention, the Committee encourages the State party to increase its efforts to prevent violence in schools and, especially, to eliminate bullying.**

8. Special protection measures

34. While the Committee welcomes the State party's openness to hosting refugees from bordering African States, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. **The Committee recommends that the State party increase its efforts to provide adequate protection to refugee children, working in close cooperation with international agencies active in the field, such as UNHCR and UNICEF.**

35. While taking note of the existing awareness and political will regarding the problems caused by the involvement of children in armed conflict, the Committee remains seriously concerned about the lack of resources available to support the rehabilitation and social reintegration of demobilized child soldiers. The Committee is particularly concerned about the situation of traumatized or permanently disabled former child soldiers and their lack of access to compensation or other support services. **The Committee recommends that the State party ensure the enforcement of its legislation banning the recruitment of children under 18 years. It also encourages the redoubling of efforts to allocate the necessary resources, if necessary with international assistance, to the rehabilitation and social reintegration of former child soldiers, and in particular to provide compensation and support services to traumatized or permanently disabled former child soldiers.**

36. The Committee welcomes the establishment of juvenile chambers to deal with offenders aged 13 to 18 in courts of first instance, and the recent adoption of additional legislation on the treatment of juveniles, including the requirement that deprivation of liberty be used only as a measure of last resort, and guaranteeing legal assistance. The Committee remains concerned about the conditions faced by children deprived of liberty, particularly

children detained with adults without adequate protection from inhumane treatment, and about the insufficiency of programmes for the physical and psychological recovery and social reintegration of juveniles. **The Committee encourages the State party to pursue its plans to build facilities to separate juveniles from adults and continue training judges, and recommends that the State party take all other measures needed to implement fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.**

37. Taking note of the completion of an ILO study and the preparation of another one, the Committee expresses its concern at the large number of children who are involved in labour activities, including in the informal sector, in agriculture and in the family context, as well as at the persistence of forms of bonded labour for children. **The Committee encourages the State party to use the ILO studies as a framework for the development of strategies and programmes, and to review all relevant domestic legislation with a view to bringing it into conformity with the Convention and other relevant international standards. Child labour laws should be enforced and penalties imposed in cases of violation. Furthermore, the Committee recommends that the State party complete the process of ratification of ILO Convention No. 138 on Minimum Age for Admission to Employment.**

38. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. The Committee suggests that the State party use as a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.**

39. **Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.**

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: NICARAGUA

1. The Committee considered the second periodic report of Nicaragua (CRC/C/65/Add.4) at its 549th and 550th meetings (see CRC/C/SR.549-550), held on 31 May 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's second periodic report, the supplementary written information (CRC/C/65/Add.14) and additional information presented in the course of the dialogue. The Committee expresses its appreciation for the comprehensive nature of the report. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/NIC.2) while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the constitutional reform (1995), which affords constitutional status to the Convention on the Rights of the Child, in line with the Committee's recommendation (see CRC/C/15/Add.36, para. 26).

* At the 557th meeting, held on 4 June 1999.

4. In light of its recommendations (see CRC/C/15/Add.36, para. 26), the Committee welcomes the enactment of the Code on Children and Adolescents (1998), which constitutes a genuine process of civil society participation and has contributed to create awareness of the Convention.

5. In light of its recommendation (see CRC/C/15/Add.36, para. 27), the Committee welcomes the measures taken to strengthen the monitoring role of the National Commission for the Promotion and Defence of the Rights of Children, as well as the adoption of an updated version of the National Plan of Action for Children and Adolescents (1997-2001).

6. The establishment, supported by international cooperation, of special programmes for children such as the Programme for the Integral Care of Nicaraguan Children (PAININ), the Integrated Basic Services Programme (PROSERBI) and the Integrated School Nutrition Programme (PINE), which are in line with the Committee's recommendations (see CRC/C/15/Add.36, paras. 31 and 32), are noted with appreciation. The establishment of the programme "Return of Happiness", which aims at the psycho-social rehabilitation of Nicaraguan children affected by Hurricane Mitch, deserves a special mention.

7. In view of its recommendation (see CRC/C/15/Add.36, para. 41), the Committee welcomes the measures taken by the State party to publicize its initial report (CRC/C/3/Add.25) and the Committee's concluding observations (CRC/C/15/Add.36), as well as the conduct of numerous workshops and public campaigns which have generated debate and awareness of the Convention.

8. With regard to the Committee's recommendation (see CRC/C/15/Add.36, para. 30) regarding the need to establish training programmes for all professionals working with and for children, the Committee welcomes the fact that the National Police has incorporated the Convention into the Police Academy's curriculum and that a training programme on the Convention has begun for police officers. In this connection, the Committee notes with appreciation the willingness of the State party to engage in a technical cooperation programme with the Office of the High Commissioner for Human Rights for the strengthening of human rights, including children's rights, within the law-enforcement agencies.

9. The Committee notes with appreciation the establishment of the network of Mayors' Friends and Defenders of Children and the Municipal Commissions on Children which are the main promoters of municipal plans of action for the defence of the rights of the child.

10. With regard to its previous recommendation (see CRC/C/15/Add.36, para. 31) concerning the need to adopt measures to prevent and combat gender discrimination, the Committee welcomes the enactment of the Law against Domestic Violence (Law No. 230), the establishment of the Nicaraguan Institute for Women and the National Commission to combat violence against women and children, and the creation of the Commissariat for Women and Children. In the same vein, the Committee welcomes the creation (1995) of the National Council for the Integral Attention of Children with Disabilities (CONAINID) as a positive measure for the protection and promotion of the social integration of children with disabilities.

11. The Committee welcomes the numerous initiatives regarding the implementation of its recommendations (see CRC/C/15/Add.36, para. 40) concerning the situation of child labour in the State party. In this connection, the Committee welcomes, inter alia, the reforms to the Labour Code (1997), the signing of a memorandum of understanding (1996) between the State party and the International Labour Organization (ILO) - International Programme for the Eradication of Child Labour (IPEC) for implementing a programme for the eradication of child labour as well as for the establishment of a National Commission for the Eradication of Child Labour (1997), and the adoption of a National Plan of Action against child labour (1998).

12. With regard to the administration of juvenile justice, the Committee welcomes the State party's follow-up measures to the Committee's recommendations (CRC/C/15/Add.36, para. 39), such as the enactment of legislation for the creation of a specialized system on juvenile justice (Code on Children and Adolescents, 1998); the development of training material for law-enforcement officials working with children in conflict with the law; the establishment of an inter-agency committee on juvenile justice; the conduct of a study on the financial and human resources for the full implementation of the juvenile justice system; the development of a project "Integrated support for the juvenile prison population in Nicaragua"; and the separation of children from adults in detention centres.

13. The Committee welcomes the participation of non-governmental organizations in the elaboration of the State party's second periodic report, in the drafting of the Code on Children and Adolescents as well as in the National Commission for the Promotion and Defence of the Rights of Children (CNPDN) and in the elaboration of the National Policy of Comprehensive Attention for Children. The Committee also welcomes the fact that the implementation of the Convention in the State party has become a participatory process with the active participation and support of grass-roots organizations and the private sector.

C. Factors and difficulties impeding further progress in the implementation of the Convention

14. The Committee notes with deep concern the devastating effects of Hurricane Mitch (1998), which had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage caused in the agriculture sector and to infrastructure. Hurricane Mitch not only left many dead, missing persons, homeless families and destroyed educational and health-care facilities and services in its wake, but also constituted a setback in the efforts of the State party to gradually make children's rights a living reality. The Committee expresses its solidarity with the State party in its reconstruction efforts.

15. The Committee notes that widespread poverty and long-standing socio-economic disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party. This situation, the Committee also notes, has been particularly aggravated by severe economic constraints, due in particular to the implementation of structural adjustment programmes and external debt.

D. Principal subjects of concern and the Committee's recommendations

1. General measures of implementation

16. While welcoming the enactment of the Code on Children and Adolescents (1998) and noting the measures taken and plans established for the full implementation of this Code, especially the ones contained in the document entitled "Transformations and Investment in the Human Rights of Children and Adolescents" (1999), the Committee remains concerned that the Code is not fully implemented. In this connection, the Committee is aware that the implementation of the Code entails the creation of a number of institutions and the development of social infrastructure for children, which requires the commitment of a great amount of financial and professional resources. **The Committee recommends that the State party take all available measures, including through international cooperation, to guarantee the full implementation of the Code on Children and Adolescents and supports the State party's initiatives designed to procure international cooperation in this regard. Furthermore, the Committee encourages the State party to continue with its process of legislative reform to ensure that all other domestic laws related to children are in full conformity with the principles and provisions of the Convention.**

17. With regard to the implementation of its recommendation (see CRC/C/15/Add.36. para. 27) concerning the need to improve coordination among various governmental bodies dealing with children's issues, at both the national and local levels, the Committee takes note of the current process of institutional transformation as a result of the enactment of the Code on Children and Adolescents, including the creation of the National Council for the Attention and Integral Protection of Children as the central body in charge of the implementation of the Convention. In addition, the Committee notes with appreciation that the Code on Children and Adolescents has envisaged participation by non-governmental organizations and children within the national council to be established following adoption of a secondary law by the National Assembly. Nevertheless, the Committee is still concerned that the current levels of coordination in the implementation of the Convention are insufficient. **The Committee recommends that the State party take all available measures to accelerate its current process of institutional reform of the coordinating bodies in charge of the implementation of the Convention. The Committee suggests that, before the establishment of the new National Council for the Attention and Integral Protection of Children, the State party undertake a comprehensive review of the mandates and activities of all the governmental institutions working on children's issues in order to maximize its financial and human resources and improve efficiency for the benefit of children. Furthermore, the Committee encourages the State party to continue working in close cooperation with non-governmental organizations working in the field of children's rights. In this connection, the Committee further recommends that the non-governmental organizations and children to be included in the National Council take into account and represent the interests of all groups of children, especially the most vulnerable groups.**

18. In light of its recommendation (see CRC/C/15/Add.36, para. 28) concerning the need to improve the State party's data-collection system, the Committee takes note with satisfaction of the efforts taken in this regard. It remains concerned about the lack of disaggregated data on children's rights. **The Committee recommends that the State party continue with the development of its data-collection system, with a view to including all areas covered by the Convention. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights, and should be used to design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek international assistance from, inter alia, UNICEF.**

19. With regard to the implementation of its recommendation (see CRC/C/15/Add.36, para. 29) concerning the creation of the Office of the Ombudsman for Children, the Committee notes with appreciation that legislation for the creation of the Office of the Human Rights Ombudsman, including the creation of a subsidiary Office for Children's Rights, has been enacted. Nevertheless, it regrets the fact that the officials themselves have not yet been appointed. **The Committee encourages the State party to continue with its efforts to appoint the appropriate authorities for the Office of the Human Rights Ombudsman and the Office Children's Rights.**

20. While welcoming the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.36, para. 30) regarding the need to make the principles and provisions of the Convention widely known and understood by the population at large, the Committee remains concerned at the insufficiency of these measures, especially among indigenous groups (e.g. Miskitos and Ramas) as well as in rural areas. **The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among indigenous groups as well as in rural and remote areas. In this regard, the Committee further recommends the involvement of local structures such as the Municipal Commissions on Children and non-governmental organizations in the development of a national awareness campaign on the Convention. Furthermore, the Committee recommends the continuation of efforts to publicize the Convention through methods that take into consideration the specific needs of indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.**

21. With regard to the provision of training for professionals working with and for children (see Committee's recommendation, CRC/C/15/Add.36, para. 30), the Committee welcomes the efforts undertaken in this area such as those adopted in the framework of the PAININ programme by the Ministry of Health, as well as the provision of training on the Convention for teachers, by the Ministry of Education. **The Committee encourages the State party to continue undertaking systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as parliamentarians, judges, lawyers, law-enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists,**

and social workers. Furthermore, special attention should be paid to the provision of training for professionals working with and for children. Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

22. The Committee welcomes the fact that the State party has taken children's rights into consideration in designing its social policies and programmes, especially in the context of its efforts to seek international cooperation for reconstruction after Hurricane Mitch. Nevertheless, in view of the persistent economic constraints, and taking into account the efforts undertaken, especially in the area of debt reduction, to allocate substantial financial resources for the benefit of children, the Committee reiterates its recommendation (see CRC/C/15/Add.36, para. 32) that such measures should be undertaken "to the maximum extent of [...] available resources" in light of articles 2, 3 and 4 of the Convention, including through international cooperation. **The Committee encourages the State party to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. Furthermore, the Committee encourages the State party to continue with its efforts to reduce the burden of its external debt, with special attention to maintaining the provision of social policies and programmes for children as enshrined in article 4 of the Convention.**

2. Definition of the child

23. While the Committee is aware that a reform to the State party's Constitution would be necessary in order to increase the number of years of compulsory education from six to nine years, as previously recommended by the Committee (see CRC/C/15/Add.36, para. 38), it regrets the lack of measures taken to harmonize the minimum legal ages for access to work (14) and for ending compulsory education (12). In addition, while the Committee takes note that the draft Code on the Family will equalize the minimum legal ages for marriage of boys and girls, it remains concerned (see CRC/C/15/Add.36, para. 13) about the current differences. **The Committee recommends to the State party to undertake the appropriate legal reform and harmonize the minimum legal ages for work and compulsory education by raising the latter, in order to bring it into full conformity with the principles and provisions of the Convention. The Committee also recommends to the State party to raise and equalize the minimum legal age of marriage of boys and girls.**

3. General principles

24. With regard to the implementation of article 2 of the Convention, the Committee remains concerned (see CRC/C/15/Add.36, para. 15) about the persistent regional disparities between the Atlantic and Central/Pacific regions, the growing disparities between urban and rural areas as well as the increasing number of people living in urban poor and marginalized areas. Furthermore, the predominance of discrimination on the basis of ethnic origin, gender, social status and disability is also a major concern. **The Committee reiterates its recommendation to the State party to reduce economic, social and regional disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the**

girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. The Committee also recommends that the State party undertake educational campaigns to raise awareness of discrimination on the grounds of gender and ethnic origin with a view to its eliminnation.

25. The Committee takes note that domestic legislation (e.g. the Code on Children and Adolescents) has included the principles of "the best interests of the child" (art. 3) and "respect for the views of the child" (art. 12). Nevertheless, concern is expressed at the lack of practical implementation of these principles, in particular that the child's right to express his/her views in a judicial or administrative procedure affecting him/her, as established in article 17 of the Code on Children and Adolescents, may not be respected in all cases in a culture where respect for the views of the child is not fully developed. The Committee reiterates its concern (see CRC/C/15/Add.36, para. 9) that in practice these principles are not fully respected due to the fact that children are not yet perceived as persons entitled to rights and that the rights of the child are often undermined by adults' interests. **The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her right to express his/her views in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including communities and religious leaders as well as educational programmes, on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights. Furthermore, with regard to article 17 of the Code on Children and Adolescents, the Committee recommends that the evolving capacity of the child should always be taken into consideration in all judicial and administrative processes or decisions affecting the child.**

4. Civil rights and freedoms

26. While noting the measures taken by the State party in the area of birth registration, especially those carried out by the Supreme Electoral Council in cooperation with UNICEF, the Ministry of Health and municipal governments, the Committee remains concerned (see CRC/C/15/Add.36, para. 16) about the insufficient registration of births and the lack of awareness and understanding of registration procedures, especially in rural areas and among indigenous communities. **In light of article 7 of the Convention, the Committee recommends that the State party continue taking all available measures to ensure the immediate registration of the births of all children, especially in rural areas and among indigenous communities. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are widely known by the population at large, if necessary in cooperation with non-governmental organizations and with the support of international organizations.**

27. With regard to the implementation of its recommendation (see CRC/C/15/Add.36, para. 33) concerning participatory rights of children, the Committee notes with appreciation the initiatives within the Municipal Commissions on Children as well as the pilot project on student governments

developed by the Ministry of Education. Nevertheless, the Committee is still concerned that participatory rights of children have not been sufficiently addressed by the State party. **In light of articles 15, 16, 17 and other related articles of the Convention, the Committee recommends that further measures, including legislative reform, be undertaken to promote the participation of children in the family, the school and other institutions and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression, and association.**

28. In light of its recommendation (see CRC/C/15/Add.36, para. 34), the Committee welcomes the fact that domestic legislation (Code on Children and Adolescents) has introduced protection of the child from information and material injurious to his/her well-being and guarantees access to appropriate information (art. 17) and protection of the child's right to privacy (art. 16). However, the Committee remains concerned about the lack of secondary legislation regulating the practical implementation of these rights. **The Committee encourages the State party to continue with its process of legal reform and allocation of appropriate resources in order to establish practical procedures and regulations to protect children from harmful information and to guarantee their access to appropriate information and their right to privacy. The Committee further recommends that it take into consideration the Committee's recommendations emanating from its day of general discussion (1996) on "The child and the media" (CRC/C/57).**

29. While noting that domestic legislation protects children against torture, the Committee is concerned about the insufficient judicial procedures to investigate cases of police brutality, ill-treatment or abuse of children. **The Committee recommends that the State party reinforce its judicial mechanisms to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of abuse of children be duly investigated. The Committee encourages the State party to consider the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

5. Family environment and alternative care

30. The Committee takes note of the draft Code on the Family and the recent creation of the Ministry on the Family as measures taken in line with the Committee's recommendation (see CRC/C/15/Add.36, para. 35) concerning the need to focus on family and social programmes. **The Committee reiterates its recommendation to the State party to reinforce its efforts in addressing family issues such as family disintegration, adolescent pregnancies and violence within the family. Furthermore, the Committee recommends that the State party allocate adequate financial and human resources for family and social programmes.**

31. The Committee takes note that the Code on Children and Adolescents includes legal measures for the protection of children deprived of a family environment and that further measures have been included in the draft Code on the Family. Nevertheless, the Committee remains concerned (see CRC/C/15/Add.36, para. 18) about the inadequacy of measures taken to ensure that the conditions in institutions are regularly monitored and that the placement of children in public and private institutions is not periodically

reviewed. **The Committee recommends that the State party continue taking the necessary steps for establishing alternative measures to institutional care of children (e.g. fostering). The Committee further recommends that the State party reinforce its monitoring and evaluation system to ensure the adequate development of children living in institutions. The Committee encourages the State party to continue taking measures to review periodically the placement and treatment of children as enshrined in article 25 of the Convention.**

32. While noting that the process of adoption is regulated by the Law on Adoptions (1981), which reflects article 21 of the Convention, and that further measures have been introduced in the draft Code on the Family, the Committee regrets that the State party has not fully complied with the implementation of its recommendation (see CRC/C/15/Add.24, para. 26). **The Committee reiterates its suggestion to the State party to consider accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

33. With regard to the implementation of its recommendation (see CRC/C/15/Add.36, para. 35) concerning the need to take all available measures to prevent and combat cases of abuse and ill-treatment of children, the Committee welcomes the enactment of the law against domestic violence (1996). Nevertheless, the Committee is of the opinion that these measures need to be reinforced. Concern is expressed at the insufficient public awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel, to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. **In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures, including setting up multidisciplinary programmes and rehabilitation measures to prevent and combat child abuse and ill-treatment of children within the family, at school and other institutions, including the juvenile justice system, and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; adequate child-friendly procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, UNICEF and international non-governmental organizations.**

6. Basic health and welfare

34. In light of its recommendation (see CRC/C/15/Add.36, para. 37), the Committee welcomes the measures taken to improve the health standards of children, in particular initiatives related to the reduction of infant mortality, such as the Integrated Management of Childhood Illnesses, implemented in cooperation with the World Health Organization and UNICEF, the establishment of child-friendly hospitals and the promotion of breastfeeding. Nevertheless, the Committee remains concerned about the persistent regional

disparities in access to health care, high rates of malnutrition in children under five years of age and in school-age children, and low access to health-care services in rural and remote areas. The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care, with special emphasis on rural areas, to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and plan of action for children.

35. With regard to adolescent health issues, (see Committee's concern, CRC/C/15/Add.36, para. 20), the Committee remains concerned at the high and increasing rate of teenage pregnancy, the high maternal mortality rate related to abortion and the insufficient access by teenagers to reproductive health education and counselling services, including outside the school system. The Committee is also concerned about the increasing rate of children infected by HIV/AIDS. **The Committee recommends to the State party to continue taking measures for the prevention of HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). It also suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems as a basis for promoting adolescent health policies and strengthening reproductive health education. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. International technical assistance from, inter alia, UNICEF and UNAIDS is also recommended.**

36. With regard to the situation of children with disabilities, while the Committee welcomes the establishment of CONAINID, it remains concerned at the lack of adequate infrastructure, limited qualified staff and specialized institutions for these children. In addition, the Committee is particularly concerned at the lack of governmental policy and programmes for children with disabilities and at the lack of monitoring of private institutions for these children. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres for them and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities.**

7. Education, leisure and cultural activities

37. In light of its recommendation (see CRC/C/15/Add.36, para. 38) on the educational system, the Committee notes with appreciation the follow-up measures undertaken by the State party in this field, especially the Ministry

of Education's Basic Education Project, undertaken in cooperation with the World Bank, which aims at improving the quality, equity and efficiency of the education system. Nevertheless, the Committee remains concerned, inter alia, about the high drop-out rates from primary and secondary schools, especially in rural areas, by the poor condition of schools and the scarcity of textbooks. The Committee also regrets that the Convention has not been totally incorporated into the school curricula. **The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to establish retention programmes and vocational training for drop-outs, to improve school infrastructure, to continue with curricular reform, including teaching methodologies, to eradicate urban/rural disparities with reference to school enrolment and attendance, and to implement special education programmes taking into account the needs of working children. Furthermore, the Committee encourages the State party to continue with its efforts to include the teaching of the Convention in the school curricula.**

8. Special protection measures

38. Although the Committee is aware of the State party's efforts for the elimination of the landmines planted in its territory, it expresses its concern about the fact that these mines were displaced by the effects of Hurricane Mitch and therefore pose a threat to the lives of the population, especially children. **The Committee recommends to the State party to continue taking all necessary measures, including awareness-raising programmes on landmines, and training for the population at large, with a view to protecting children. In this regard, the Committee encourages the State party to continue working in cooperation with international agencies and non-governmental organizations for the remapping, clearance and destruction of landmines. Furthermore, in light of article 39 of the Convention, the Committee recommends that the State party take all appropriate measures to promote the physical and psychological recovery and social reintegration of children victim of landmines and of children victim of past armed conflict.**

39. With regard to the situation of children belonging to indigenous groups living in the Atlantic region (e.g. Miskitos and Ramas), the Committee remains concerned about their limited enjoyment of all the rights enshrined in the Convention, in particular their access to health and education. **In light of article 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous groups and to guarantee that they enjoy all the rights recognized in the Convention on the Rights of the Child, with special emphasis on their access to health and education.**

40. While welcoming the measures taken for the eradication of child labour, in line with its recommendation (see CRC/C/15/Add.36, para. 40), the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation, especially in the informal sector and in domestic settings. **In light of articles 3 and 32 and other related articles of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the full**

implementation of the national plan for the elimination of child labour and undertake all the actions envisaged within its memorandum of understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector, including domestic labour, where the majority of working children are found, deserves special attention. Furthermore, the Committee recommends that labour legislation regulating the work of children should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation.

41. With regard to the issue of children living and/or working on the streets, the Committee welcomes the establishment of the "Plan of Action to Rescue Street Children" which aims at the social reintegration of this group of children. **The Committee recommends to the State party to continue working in cooperation with non-governmental organizations in this area and continue adopting appropriate programmes and policies for the protection and rehabilitation of these children.**

42. While the Committee notes with appreciation the commitments made by the State party at the seminar held in Montevideo on 18 and 19 March 1999 on the issue of the commercial sexual exploitation of children, it expresses concern at the absence of data and a situation analysis on this issue as well as the lack of a national plan of action to tackle this problem. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party conduct a study on the issue of commercial sexual exploitation of children with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and eradicate this phenomenon, to reinforce its legislation, including punishment of perpetrators, and to conduct awareness-raising campaigns on the issue. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996.**

43. While the Committee is aware that the full implementation of the new juvenile justice system requires substantial financial and human resources as well as the development of infrastructure, as established in the document entitled "Transformation and investment in the human rights of children and adolescents" (May 1999), it remains concerned that the juvenile justice system is not fully implemented. Concern is also expressed about the poor conditions in prisons and detention centres for juveniles; the lack of correctional centres for the rehabilitation of children in conflict with the law; that access to justice is not guaranteed in a prompt manner for children in detention; and that due process is not always guaranteed. Concern is further expressed at the aggravated penal penalties regarding "property offences" committed by children. **In light of articles 37, 40 and 39 of the Convention and other relevant United Nations standards in this field, the Committee recommends that the State party effectively implement its juvenile justice system. The Committee encourages and supports the State party's initiatives for the procurement of international cooperation in this regard. The Committee recommends that the State party give particular attention to ensuring the improvement of the conditions of children living in prisons and detention centres, to developing correctional centres for the rehabilitation of children in conflict with the law, to ensuring that violence is not used by**

law-enforcement officials, to ensuring that deprivation of liberty is used only as a measure of last resort, to guaranteeing prompt access to justice for children in pre-trial detention, and to developing alternative measures to deprivation of liberty. Furthermore, the Committee recommends that the State party consider reviewing its penal policies concerning "property offences" committed by children, and establish alternative measures to address the needs of children involved in this type of offence.

44. The Committee welcomes the State party's willingness to engage in a technical cooperation programme with the Office of the High Commissioner for Human Rights for the provision of training in human rights standards, including children's rights, for the police. In this connection, the Committee recommends that the State party continue providing training programmes on the relevant international standards for judges and all professionals and staff involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking additional technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

45. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

VENEZUELA

1. The Committee considered the initial report of Venezuela (CRC/C/3/Add.54) and its supplementary report (CRC/C/3/Add.59) at its 560th and 561st meetings (see CRC/C/SR.560-561), held on 21 September 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which included concrete information on the situation of children, but regrets the late submission of the written answers to the list of issues (CRC/C/Q/VEN/1). The Committee also regrets that the high-level delegation from the State party's capital, directly involved in the implementation of the Convention, was at the last minute not able to participate in the dialogue. This unforeseen and unfortunate situation had a negative impact on the dialogue with the State party's delegation. Many questions posed to the State party's delegation had to be transmitted to the State party's capital for a written reply. The Committee notes with appreciation that the replies to these questions were submitted on the agreed deadline, allowing the Committee to make a good assessment of the situation of children's rights in Venezuela.

* At the 586th meeting, held on 8 October 1999.

B. Positive aspects

3. The Committee welcomes the adoption of the Organic Law for the Protection of Children and Adolescents (1999), which reflects the principles and provisions of the Convention. The Committee takes note that this legislation will enter into force in April 2000.

4. The implementation of several programmes for children, in the context of the *Agenda Venezuela* and of the development programme "Bolivar 2000", as well as the creation of the *Fondo Unico Social* (Social Development Fund), which include poverty alleviation measures, are welcomed by the Committee.

5. The Committee welcomes the existence of a partnership between the authorities of the State party and non-governmental organizations (NGOs) working for and with children.

6. The State party's accession to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption is also welcomed by the Committee.

7. The Committee welcomes the ratification by the State party of International Labour Organization (ILO) Convention No. 138 concerning minimum age for admission to employment as well as the signing (in 1996) of a memorandum of understanding with ILO/IPEC for the eradication of child labour.

C. Factors and difficulties impeding progress in the implementation of the Convention

8. The Committee notes that widespread poverty and long-standing economic and social disparities within the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. The Committee also notes that this situation has been particularly aggravated by severe economic crises and drastic economic reforms.

9. The Committee acknowledges that the State party is going through an important process of political, social and economic transformation, which is a positive fact, but the Committee is concerned that this transformation might result in a considerable slowing down of the efforts to implement the Convention fully.

D. Principal subjects of concern and the Committee's recommendations

D.1. General measures of implementation

10. The Committee notes with appreciation the information provided by the State party's delegation that the National Constituent Assembly, in charge of drafting the text of the new national Constitution, is considering introducing a chapter on human rights, including a section on the rights of the child. **The Committee encourages the State party to continue in its efforts to introduce the promotion and protection of human rights, including of the rights of the child, in its new Constitution.**

11. **With regard to the entry into force of the Organic Law for the Protection of Children and Adolescents (Ley Organica para la Protección de Niños y Adolescentes), while noting the measures taken by the State party in preparation for the implementation of this law, the Committee remains concerned about the lack of a comprehensive plan, including the required financial and human resources, and the administrative reform necessary for the full implementation of this legislation. In this regard, the Committee recommends that the State party give priority to the process of implementation of the new Organic Law for the Protection of Children and Adolescents. The Committee further recommends that the State party take effective measures, including the allocation of sufficient levels of resources, both financial and human, for the full implementation of this legislation.**

12. Taking into account the current process of institutional reform and taking note that the new Organic Law for the Protection of Children and Adolescents provides for the creation of the National System for the Protection and Integral Development of Children and Adolescents, the Committee remains concerned about the inadequate levels of coordination and monitoring to guarantee the implementation of the Convention. **The Committee recommends that the State party take effective measures in order to strengthen coordination among the various governmental bodies at the federal, State and municipal levels involved in the implementation of the Convention. In this regard, the Committee recommends that the State party take effective measures to ensure the establishment of the National System for the Protection of Children and Adolescents. Furthermore, the Committee recommends that the State party guarantee the participation of non-governmental organizations in the new coordination mechanism to be established.**

13. The Committee welcomes the efforts undertaken by the State party, in particular by the National Children's Institute (INAM) and the Central Office of Statistics (OCEI), in cooperation with UNICEF and non-governmental organizations, to develop indicators for monitoring the implementation of policies and programmes for children, but it remains concerned that disaggregated data and indicators have not been developed for all areas covered by the Convention. **The Committee recommends that the State party continue developing a comprehensive system for the collection of disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age, including children belonging to vulnerable groups, in the various areas covered by the Convention.**

14. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that these measures need to be strengthened, especially to facilitate the entry into force of the Organic Law for the Protection of Children and Adolescents. **The Committee encourages the State party to reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike. Special attention should be paid to increasing awareness of the Convention and to its relationship with the new Organic Law for the Protection of Children and Adolescents.**

15. Although the Committee takes note of the efforts of the State party to carry out sensitization programmes on the Convention for local authorities, it considers that training programmes for professional groups working with and

for children need to be further developed. **The Committee recommends that the State party reinforce its sensitization and training programmes for all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers and health personnel, including psychologists and social workers. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

16. While the Committee welcomes the establishment of several social programmes for children, it remains concerned that policies for children are fragmented and that a comprehensive national strategy for the implementation of children's rights is lacking. **The Committee recommends that the State party give priority to the full implementation of article 4 of the Convention and ensure the appropriate distribution of resources at the central and local levels. Budget allocations for the implementation of the economic, social and cultural rights of children should be ensured "to the maximum extent of available ... resources and, where needed, within the framework of international cooperation" (art. 4 of the Convention). The Committee also recommends that the State party take effective measures for the full implementation of a national policy on the rights of the child, with due regard for the holistic nature of the Convention.**

D.2. Definition of the child

17. The Committee is concerned about the different legal minimum ages for marriage for boys (16) and girls (14), as established in the State party's Civil Code. The Committee considers that this is contrary to the principles and provisions of the Convention, especially its articles 2 and 3. **The Committee recommends that the State party harmonize and increase the legal minimum legal ages for marriage. It further recommends that the State party undertake awareness raising campaigns on the negative effects of early marriage.**

D.3. General principles

18. While the Committee is aware of the measures taken by the State party to improve the situation of the most vulnerable groups of children, it is still concerned at the existence of discrimination on the basis of ethnic origin and gender. Additionally, the Committee expresses its concern at the growing number of population living in poor urban and marginalized areas. **The Committee recommends the State Party to continue taking effective measures to reduce economic and social disparities. Measures to prevent discrimination against the most disadvantaged groups of children, including girls, children belonging to indigenous and other ethnic groups, children with disabilities, children born out of wedlock and children living and/or working in the streets, should be reinforced.**

19. The Committee is concerned that two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect of the views of the child), are not fully applied and duly integrated in the implementation of the policies and programmes of the State party.

The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

20. With regard to article 6 of the Convention, the Committee expresses its concern about the alleged cases of killings of children during anti-crime operations. **The Committee recommends that the State party undertake effective measures to prevent these type of situations and, in order to avoid impunity of the alleged perpetrators, use its judicial mechanisms effectively to investigate these killings.**

D.4. Civil rights and freedoms

21. The Committee welcomes the measures taken by the State party in the area of birth registration, especially those recently implemented in the framework of the National Plan on Birth Registration, but it remains concerned at the large number of children without birth certificates and at the related impact on the enjoyment of their rights. Particular concern is expressed in this area with regard to the situation of children belonging to indigenous groups and to illegal immigrant families. **In the light of article 7 of the Convention, the Committee recommends that the State Party continue its efforts to ensure the immediate registration of the birth of all children, including measures in cooperation with non-governmental organizations and with the support of international organizations, to ensure that birth registration procedures are widely known and understood by the population at large. In this regard, the situation of children belonging to indigenous groups and to illegal immigrant families deserves special attention.**

22. With regard to the State party's initiatives to promote children's participatory rights, such as the Children and Youth Parliaments and school governments, the Committee is concerned about the insufficiency of these measures and the lack of follow-up and evaluation of the current initiatives. **The Committee recommends that these measures should be strengthened to promote the participation of children in the family, in the community, in school and in other social institutions, as well as to ensure the effective enjoyment by them of their fundamental freedoms, including freedom of opinion, expression and association.**

23. The Committee expresses its concern at the persistent allegations about children being detained in conditions which amount to cruel, inhuman or degrading treatment, and about children being physically ill-treated by members of the police or the armed forces. **In the light of article 37 and other related articles of the Convention, the Committee recommends that the State party use its judicial mechanisms effectively to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of violence and abuse against children be duly investigated in order to avoid the impunity of perpetrators.**

D.5. Family environment and alternative care

24. The Committee welcomes the measures taken to eliminate irregularities in the procedures concerning adoption (e.g., direct placement of children, known as entrega inmediata), but it remains concerned that the State party has not reformed its domestic legislation relating to intercountry adoption in accordance with the obligations established under the Hague Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption. **The Committee recommends that the State party enact specific legislation regulating the process of intercountry adoption to make it comply with the international obligations established in the Hague Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption. Furthermore, the Committee suggests that the State party consider withdrawing its declarations made under article 21 (b) and (d) of the Convention, in view of the fact that these declarations have become irrelevant as a result of the State party's accession to the above-mentioned Hague Convention.**

25. The Committee is concerned that child abuse and neglect are reported to be widespread in the State party. In this regard, concern is expressed at the insufficient awareness of the harmful consequences of neglect and abuse, including sexual abuse, both within and outside the family; at the insufficient financial and trained human resources allocated to prevent abuse and neglect, and at the insufficient rehabilitation measures and facilities available for victims. **In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party continue taking all appropriate measures to prevent and combat child abuse and neglect of children within the family, at school and in society at large, including setting up multidisciplinary treatment and rehabilitation programmes. It suggests that law enforcement should be strengthened with respect to such crimes and that procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice, in order to avoid impunity of the offenders. Furthermore, educational programmes should be established to combat traditional attitudes in society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.**

D.6. Basic health and welfare

26. While taking note of the State party's achievements in the area of basic health and welfare, the Committee is concerned at the negative impact of the declining economic situation on the health of children, in particular the deterioration of infant and under five mortality rates, as well as at the prevalence of malnutrition among children. **The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and action plan for children. The Committee also recommends that the State party undertake initiatives relating to the reduction of infant mortality, for instance the "Integrated management of childhood illnesses" (IMCI), a joint programme of WHO and UNICEF.**

27. **While welcoming the State party's initiatives in the field of adolescent health, in particular the National Plan for the Prevention of Early Pregnancy, the Committee expresses its concern at the still high teenage maternal mortality and pregnancy rates, at the insufficient access by teenagers to reproductive health education and counselling services, including outside school; and at the increasing incidence of HIV/AIDS, STDs and drug and substance abuse (e.g., glue-sniffing) among children and adolescents. The Committee suggests that a comprehensive and multidisciplinary study be undertaken of the scope of the phenomenon of adolescent health problems, especially with regard to early pregnancy and maternal mortality. The Committee recommends that the State party adopt comprehensive adolescent health policies and strengthen reproductive health education and counselling services. The Committee further recommends the State party continue taking measures for the prevention of HIV/AIDS and take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). The Committee also recommends that further efforts, both financial and human, be undertaken for the development of child friendly counselling services, as well as care and rehabilitation facilities for adolescents. Measures to combat and prevent substance abuse among children should be strengthened.**

D.7. Education, leisure and cultural activities

28. The Committee welcomes the State party's efforts in the field of education, in particular the inclusion of human rights teaching, including children's rights, in the school curricula, but it remains concerned about the high drop-out and repetition rates in primary and secondary schools, regional disparities in access to education, the insufficient number of well-trained teaching staff and children's limited access to material and textbooks. **In the light of articles 28 and other related articles of the Convention, the Committee recommends that the State party continue its efforts in the field of education by strengthening its policies and system in order to improve ongoing retention programmes and vocational training for drop-out students; to improve school infrastructure; to continue with curricular reform, including teaching methodologies; to eradicate regional disparities with reference to school enrolment and attendance; and to implement special education programmes, taking into account the needs of working children.**

D.8. Special protection measures

29. The Committee remains concerned about the lack of specific legal provisions for the protection of unaccompanied refugee and asylum-seeking children. This is a concern owing to the increasing number of refugees in the State party. **The Committee recommends that the State party enact legislation that reflects international standards for the protection of refugee children. The Committee suggests that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

30. The Committee is aware of the measures taken by the State party, in particular by the Direction of Indigenous Affairs of the Ministry of Education, but it remains concerned about the living conditions of children belonging to indigenous and ethnic groups, especially with regard to the full

enjoyment of all the rights enshrined in the Convention. **In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.**

31. The Committee remains concerned that a large number of children are still involved in labour activities, particularly in the informal sector, including domestic workers, and in the family context. Concern is also expressed about the insufficient law enforcement and lack of adequate monitoring mechanisms to address this situation. **In the light of, inter alia, articles 3, 6 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and undertake all the actions envisaged in the Memorandum of Understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. The Committee also recommends that child labour laws be enforced, that labour inspectorates be strengthened, and that penalties be imposed in cases of violation. The Committee encourages the State party to consider ratifying the new ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).**

32. The Committee expresses its concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation and sexual abuse of children, at the lack of a national plan of action to address this issue and at the inadequacy of the State party's legislation to deal with it. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.**

33. While the Committee notes the information submitted by the State party on the trafficking and sale of Ecuadorean children and welcomes the measures undertaken by the State party's authorities to combat this phenomenon, the Committee is of the opinion that measures in this regard need to be strengthened. **The Committee recommends that measures be taken, on an urgent basis, to strengthen law enforcement and to implement the State party's national programme of prevention. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of regional agreements with neighbouring countries. Rehabilitation measures for the child victims of trafficking and sale should be established.**

34. With regard to the juvenile justice system, the Committee is concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The fact that deprivation of liberty is not used as a measure of last resort;

(c) The situation of overcrowding in detention facilities;

(d) The placement of minors in adult detention facilities; and

(e) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

The Committee recommends that the State party:

(a) Take additional measures to reform the juvenile justice system in accordance with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the juvenile justice system;

(d) Seek technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

35. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publication of the report, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

RUSSIAN FEDERATION

1. The Committee considered the second periodic report of the Russian Federation (CRC/C/65/Add.5) at its 564th and 565th meetings (see CRC/C/SR.564-565), held on 23 September 1999, and adopted[1] the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report and takes note of the detailed written answers to the list of issues (CRC/C/Q/RUS/2) submitted by the State party. The Committee notes with appreciation the high-ranking composition of the State party delegation which appeared before the Committee, the delegation's frankness in discussion and the constructive efforts made to provide additional information in the course of the dialogue.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee takes note of the efforts made by the State party to strengthen the legislative base for the protection of the rights of the child in the Russian Federation, including amendments to the Family Code, Criminal and Penal Codes and the Education Act, and the adoption of the 1999 Federal Prevention of Child Neglect and Juvenile Crime Act and the 1998 Federal Law on the Basic Guarantees of the Rights of the Child.

[1] At the 586th meeting, held on 8 October 1999.

4. The Committee welcomes the institution of the Human Rights Commissioner in 1997, the establishment of the intersectoral committee and the appointment of child rights commissioners in five regions and cities. The Committee notes with satisfaction the commitment expressed by the State party delegation to the establishment of an Office of Federal Commissioner for Child Rights, following the recommendations of the Human Rights Commissioner, members of the State Duma and national NGOs.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

(arts. 4, 42 and 44, para. 6 of the Convention)

Legislation

5. While the Committee takes note of the many laws that have been adopted and amended in recent years, it remains concerned that the State party has not fully complied with the recommendations made by the Committee in 1993 to ensure that domestic legislation is in full conformity with the principles and provisions of the Convention.

6. **The Committee recommends that the State party take all appropriate measures to expedite the process of law reform, especially with regard to reforms improving upon the administration of juvenile justice and the criminal justice procedure, the protection of the rights of children with disabilities, the protection of children from alcohol, drug and substance abuse, the protection of children from pornography, the protection of children from all kinds of violence and abuse, including domestic violence, and the establishment of standards and monitoring mechanisms with regard to all the different child-related kinds of institutions.**

7. **The Committee encourages the State party to complete the process of adopting the necessary resolutions and directives, and to allocate the professional manpower and financial resources required for the effective implementation of all child-related legislation.**

Independent monitoring structures

8. While the Committee welcomes the institution in 1997 of the Human Rights Commissioner and of pilot projects for child rights commissioners in a few regions, it is still concerned at the limited powers and status of these bodies and the crucial need for the State party to provide for an independent monitoring structure to review implementation of the Convention within the State party.

9. **The Committee recommends that the State party consider the establishment of an independent Ombudsman for children at the federal level, with clear links to similar mechanisms at regional levels, each with a clearly defined and appropriate mandate, including the monitoring of care and juvenile justice structures, and powers and resources sufficient to guarantee effectiveness.**

Coordination

10. While the Committee acknowledges the State party's efforts to set up a coordinating committee to implement the Convention on the Rights of the Child, it remains concerned at the lack of adequate coordination between various federal government entities dealing with children and at the absence of any focal point with overall responsibility for child rights strategies, policies and activities within the State party. Further, the Committee is concerned that the decentralization of responsibilities and actions from the federal authorities to their regional counterparts lacks sufficient guarantees to prevent disparities in the protection of children's rights.

11. **The Committee encourages the State party to strengthen coordination between the various government bodies involved in child rights at both federal and regional levels, and to consider unifying the different agencies under one focal ministry in order to promote better coordination. The Committee further encourages the State party to ensure that the division of responsibilities between federal and regional authorities provides for the best possible protection of children's rights.**

Budgetary issues/financial situation/State benefit distribution/funding

12. The Committee is concerned that the prolonged financial crisis has had a negative impact on the development of children, leading to a worsening of their living conditions, as well as on the implementation of social investment programmes and, ultimately, on respect for the rights of the child. In particular, the Committee is seriously concerned at the widespread poverty, the weakening of the family structure, the increasing numbers of neglected and homeless children and children living and working in the street, the high numbers of suicides, the extent of drug and alcohol abuse and increases in juvenile delinquency.

13. The Committee recognizes the State party's efforts to temporarily "target" existing assistance to families with the lowest incomes, however, the Committee is particulary concerned that those families and children who will not receive assistance during this interim period will suffer. The Committee is also concerned at non-, or delayed, payment of State benefits, in particular child allowances.

14. **In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that the State party undertake all appropriate measures to the maximum extent of its available resources to ensure that budgetary allocations for health, education and other social services for children are adequately protected, in particular for children belonging to vulnerable and marginalized groups.**

15. **Furthermore, the Committee encourages the State party to seek additional solutions to budgetary problems, such as retargeting expenditure or prioritizing programmes and increasing the proportion of international assistance used to further the State party's implementation of the Convention on the Rights of the Child.**

16. **The Committee urges the State party to ensure that all benefit payments are made, that the use of targeted benefits is monitored and that the presidential programmes included in "Children in Russia" all be appropriately funded.**

17. **The Committee further recommends that the State party review its budgetary allocation policies so as to maximize the available resources allocated to the protection of the most vulnerable groups, and continue to implement the Committee's 1993 recommendation regarding careful monitoring of the impact of the economic crisis on the standard of living of children.**

Involvement of NGOs

18. The Committee is concerned at the limited implementation of its 1993 recommendation concerning the need to support the involvement of NGOs in the implementation of the Convention.

19. **The Committee encourages the State party to increase its support for, and cooperation with, NGOs in their efforts to provide training, disseminate information about the Convention and to monitor implementation, including through strengthening partnership in the reporting process and in the monitoring of care and juvenile justice institutions.**

Dissemination of the principles and purposes of the Convention

20. The Committee is concerned that the State party's efforts still need to be increased in connection with the Committee's 1993 encouragement to continue dissemination of the principles and provisions of the Convention.

21. **The Committee recommends that the State party take further measures to publicize and teach the principles and provisions of the Convention among the adult population, including professional groups and parents, as well as among children.**

2. General principles

(arts. 2, 3, 6 and 12 of the Convention)

Principle of non-discrimination (art. 2)

22. While the Committee welcomes the State party's adoption of legislation banning discrimination, it remains concerned at the growing disparities between regions, including notably the far north, and between urban and rural children, in legislation, budgetary allocations, policies and programmes concerning health, education and other social services and with the situation of children in need of special protection.

23. The Committee is also concerned at the disadvantaged situation of girls in rural areas, particularly with regard to access to education, health and protection from sexual abuse and exploitation.

24. Furthermore, the Committee is concerned at general reports of a growth in the incidence of racism and xenophobia in the State party.

25. **The Committee recommends that the State party intensify measures to reduce economic, social and regional disparities, and take further steps, along the line of the Committee's 1993 recommendation, to prevent any discrimination against children or disparities in their treatment, including with regard to children with disabilities and children belonging to religious and ethnic minorities.**

The right to life (art. 6)

26. In the light of article 6 of the Convention, the Committee is concerned at the threat posed to the child's right to life by the rapidly increasing rates of child suicide and killings of children, in particular concerning boys.

27. **The Committee recommends that the State party take all appropriate measures with a view to bringing about a reversal in recent increases in child suicide and killing, and to promoting preventive efforts, including a strengthening of measures already taken to increase crisis intervention and preventive support and counselling services to assist children, especially adolescents, and families at risk.**

3. Civil rights and freedoms

(arts. 7, 8, 13-17 and 37 (a))

Protection from torture (art. 37 (a))

28. The Committee is concerned at allegations of widespread practice of torture and ill-treatment, and conditions amounting to inhuman or degrading treatment, of children living in institutions in general and in places of detention or imprisonment in particular - including acts committed by law enforcement officials involving corporal punishment.

29. **The Committee recommends that the State party take appropriate measures to bring to an end and prevent these practices and to duly investigate allegations and punish perpetrators of such acts. The Committee also endorses the implementation of the recommendations made by the Committee against Torture and the Special Rapporteur on torture with regard to these concerns.**

30. **Further, the Committee recommends that the State party monitor and bring to an end corporal punishment practices in institutions.**

4. Family environment and alternative care

(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39)

Abuse/neglect/maltreatment/violence (art. 19)

31. While the Committee welcomes the growing awareness by the State party of the dangers of domestic violence, the Committee remains concerned at the persistent ill-treatment and neglect of children in the State party in the context of the family. The Committee is also concerned at the widespread incidence of violence against women and its impact on children.

32. **The Committee recommends that the State party give special attention to the problem of ill-treatment, neglect and abuse, including sexual abuse, of children both within and outside the family.**

33. **The Committee stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental violence against children, in accordance with article 19 of the Convention.**

34. **The Committee also suggests that comprehensive studies on these problems be initiated in order to facilitate the elaboration of policies and programmes, including treatment and rehabilitation programmes.**

35. **Further, in the light of the Committee's recommendation contained in paragraph 21 of its 1993 concluding observations (CRC/C/15/Add.4) the Committee encourages the State party to promote child-friendly procedures for complaint, investigation and presentation of evidence for child victims of violence and abuse, and to reinforce the investigation of crimes committed, and the prosecution and appropriate punishment of perpetrators.**

Review of placement of children (art. 25)

36. The Committee expresses serious concern at prevailing policies and practices of institutionalization and at the extremely high number of children in institutions and the living conditions in these institutions. With reference to article 25 of the Convention, the Committee is also concerned that periodic review of placement is not systematically guaranteed, and that the Committee's 1993 recommendations in this regard have not been fully implemented.

37. **The Committee refers to paragraph 19 of its 1993 concluding observations (CRC/C/15/Add.4) and recommends that the State party seek to formulate national policy on de-institutionalization, increase the use of alternative measures to the institutionalization of children and consider measures to strengthen community oriented social services.**

38. **In this perspective, the Committee encourages the State party to take effective measures to provide families where children may be at risk of neglect or abuse with support, education and counselling services, so as to prevent the occurrence of abuse and**

the need to remove children from parental care. The Committee also recommends the strengthening of adoption and foster care as alternatives to institutionalization.

39. **The Committee also recommends that appropriate procedures be adopted to provide for the periodic review of all types of placement. In the light of article 3, paragraph 3, of the Convention, the Committee further recommends the reform, including legal reform, of the institutional system by the establishment of standards for conditions in institutions and their regular inspection, in particular by reinforcing the role and powers of independent inspection mechanisms and ensuring their right to inspect foster homes and public institutions without warning. In this regard, the Committee urges the State party to seek technical assistance, inter alia from the United Nations Children's Fund (UNICEF) and the World Health Organization.**

Children with disabilities (art. 23)

40. The Committee is concerned at the situation of children with disabilities, especially children with mental disabilities and children living in institutions. In particular, the Committee is concerned at the current diagnostic system and practices, at conditions for disabled children living in institutions, at the lack of adequate professional assistance for the development, treatment and rehabilitation of children with disabilities and at the slow process of inclusion of children with disabilities in mainstream education.

41. **The Committee encourages the State party to pursue its efforts to improve the early diagnosis of children with physical and mental disabilities and to prevent as far as possible their being placed in institutions. It recommends the strengthening of professional treatment services and the support and counselling provided to families in order to enable children to live at home and to promote their social inclusion.**

42. **The Committee encourages the State party to strengthen its efforts to benefit from international cooperation, in accordance with article 23, paragraph 4, of the Convention, with a view to enhancing policies on integrating children with disabilities into society.**

Intercountry adoption (art. 21)

43. The Committee is concerned at the insufficient guarantees against the illicit transfer and the trafficking of children out of the State party and the potential misuse of intercountry adoption for purposes of trafficking, inter alia for economic and sexual exploitation.

44. **The Committee encourages the State party actively to consider ratification of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Committee welcomes the information that the State party is considering ratification of the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption and urges the State party to expedite its efforts to accede to the Convention. In the light of article 21 of the Convention, the Committee recommends that efforts be strengthened to establish procedures regarding intercountry adoption with a view to protecting the best interests of the child.**

5. Basic health and welfare

(arts. 6, 18, paras. 3, 23, 24, 26 and 27, paras 1-3)

Right to health (art. 24)

45. The Committee notes with appreciation the efforts undertaken by the State party in the area of basic health and welfare, especially its efforts to improve maternal health care and reduce infant mortality rates. It also welcomes the success achieved in complying with the Committee's 1993 recommendation in regard to immunization programmes. The Committee is still concerned at the persistence of a high infant mortality rate and at the deteriorating health infrastructure and services. Furthermore, the increase in parasitic, infectious and respiratory illnesses (tuberculosis in particular) is an issue of great concern to the Committee, as is also the increase in malnutrition and the small percentage of children who are breastfed.

46. **The Committee recommends that the State party consider seeking technical assistance to continue its efforts to reverse the deterioration in primary health care. In particular, the Committee urges the State party to continue efforts to cure and prevent the spread of tuberculosis and other diseases, to continue efforts to reduce the use of abortion as a means of contraception, and to promote breastfeeding.**

47. The insufficient information on preventive campaigns and rates of HIV/AIDS and sexually transmitted diseases (STDs) is a matter of concern to the Committee.

48. **The Committee recommends that the State Party guarantee the effectiveness of measures taken to ensure access for adolescents to sex education, including information about contraception and STDs, measures to promote adolescent health by strengthening reproductive health and family planning services, as well as counselling services, and measures to prevent and combat HIV/AIDS, STDs and teenage pregnancy and abortions.**

6. Educational, leisure and cultural activities (arts. 28, 29, 31)

Right to education (arts. 28 and 29)

49. The Committee notes the State party's efforts on education, especially the adoption of a new Education Act, which is aimed at ensuring the continued provision of free and compulsory basic education and increasing the accessibility of free secondary education. In this regard, the Committee remains concerned at the growing drop-out rates, the reduction in enrolment rates for vocational and technical secondary education - especially among girls - and the deterioration of school infrastructure and of the conditions of service for teachers, including low wages and delays in payment.

50. **The Committee encourages the State Party to collect information on drop-out rates and their causes, and on the situation of children expelled for disciplinary reasons. It also encourages the State party to continue its efforts to shelter the education system from the impact of the economic crisis and, in particular, to give further attention to the conditions**

of service of teachers. The Committee encourages the State party to introduce human rights, including children's rights into the school curricula as an independent subject.

Access to medical and other social services

51. The Committee is concerned at reports that some municipal administrations are continuing to prevent parents and their children from having access to medical, educational and other social services in a city for which they do not have a residency permit, notwithstanding this practice being prohibited by law. Its practice is particularly harmful to internally displaced children, migrants and asylum-seekers, and children working and living in the street.

52. **The Committee urges the State party to end this practice of discrimination against children without residence permits through, inter alia, training and awareness raising for local government and law-enforcement officials.**

7. Special protection measures

(arts. 22, 38-40, 37 (b)-(d), 32-36)

Refugee children (art. 22)

53. The Committee is concerned at the treatment of asylum-seekers and at the practice of refusing children and their families, in particular those not arriving from former territories of the Soviet Union, the right to register their application for asylum.

54. **The Committee encourages the State Party to ensure adequate legal protection of refugee children, including access to health, education and other social services.**

55. **The Committee recommends that a review be undertaken of procedures, policies and practices concerning the right to register applications for asylum, especially on behalf of unaccompanied children.**

Children and armed conflict, and their recovery (arts. 38 and 39)

56. The Committee is concerned at the lack of respect for the rights of children in areas of ongoing armed conflict within the State party, such as in Chechnya and Dagestan. The Committee is concerned, especially, at the involvement of children in armed conflict, at violations of provisions of international humanitarian law and at the number and situation of internally displaced children. The Committee is also concerned at the application, by courts in Chechnya, of the death penalty and certain corporal punishments, including mutilation, when sentencing children. In addition, the Committee is concerned at reports of alleged summary executions, involuntary disappearances, arbitrary detention, torture and ill-treatment of children in the region.

57. **The Committee encourages the State party to ensure that children and other civilians are protected during periods of conflict and that support and rehabilitative assistance, including psychological aid, is made available to internally displaced children and children living in regions of armed conflict.**

Child labour (art. 32)

58. The Committee remains concerned that child labour and economic exploitation are a growing problem affecting children in the State party. Additionally, the Committee is concerned at the high number of children working and/or living in the street who require special attention because of their increased vulnerability to involvement in juvenile crime, alcohol and substance abuse and sexual exploitation - including through criminal organizations.

59. **The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws, in particular in the "informal" sector, to protect children from being economically and sexually exploited, including through prostitution. The Committee recommends that the State party undertake research on the issue of children living and/or working in the street with a view to improving policies, practices and programmes concerning these children.**

60. **Finally, the Committee recommends that the State party consider seeking technical assistance from the ILO-IPEC when developing a comprehensive policy to prevent and combat the growing problem of child labour, that the State party strengthen its efforts to implement the provisions of ILO Convention (No. 138) Concerning the Minimum Age for Admission to Employment (1973) and that the State party consider ratifying ILO Convention No 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).**

Drug abuse and other forms of substance abuse (art. 33)

61. The Committee is concerned at the growing problem of alcohol, drug and other substance abuse among children and their families.

62. **The Committee recommends that the State party undertake additional efforts to prevent the abuse of alcohol by children and their involvement in the distribution and consumption of drugs. The Committee also recommends that further measures be undertaken to provide adequate treatment, rehabilitation and support services to children and their families involved in alcohol, drug and substance abuse.**

Sexual exploitation and abuse (art. 34)

63. The insufficient legislation, policies and programmes to protect children from commercial sexual exploitation, abuse and pornography is a matter of concern to the Committee.

64. **Further to the recommendation contained in paragraph 24 of its 1993 concluding observations (CRC/C/15/Add.4), the Committee recommends that the State party undertake a comprehensive study on commercial sexual exploitation and abuse and the use**

of children in pornography. The Committee also recommends that additional legislative measures be undertaken and that services be expanded in order to enhance the protection of children from sexual exploitation and abuse, and to ensure the treatment and rehabilitation of child victims. The Committee further encourages the State party, in its efforts to address commercial sexual exploitation, to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996.

Children of minorities or of indigenous peoples (art. 30)

65. While the Committee notes the 1996 Federal National Cultural Autonomy Act and programmes designed to provide support to minorities, the Committee remains concerned at the living conditions of ethnic minorities, especially in the north, and their access to health, educational and other social services. The Committee is also concerned at the growing incidence of societal discrimination against children belonging to ethnic minorities.

66. **The Committee recommends that the State party take all necessary measures to protect minority children from discrimination and to guarantee their full access to educational, health and other social services.**

Administration of juvenile justice (arts. 37, 40 and 39)

67. The area of juvenile justice is a matter of persistent and serious concern to the Committee, in particular regarding the insufficient implementation by the State party of the Committee's 1993 recommendation on the need to set up a system of juvenile justice, including the adoption of a law on juvenile justice and the establishment of juvenile courts.

68. The Committee expresses its concern over reports of police brutality and torture committed against detained juveniles during the investigation of their alleged acts, and its concern over the extended periods of pre-trial detention of juvenile detainees at the discretion of the Procurator. The Committee is also seriously concerned at the treatment of juvenile offenders living in educational colonies, places of pre-trial detention or in special educational establishments, and at the poor conditions of detention and in prisons in general.

69. **In the light of the Committee's recommendations contained in paragraphs 22 and 23 of its 1993 concluding observations (CRC/C/15/Add.4), articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party take particular measures to implement, as soon as possible, the planned reform of the system of juvenile justice, including the adoption of comprehensive legislation on juvenile justice, the introduction of special juvenile courts with trained juvenile judges and the revision of the Code of Criminal Procedure, so as to transfer the power to order the arrest of juveniles from the Procurator to the juvenile courts, to limit the term of pre-trial detention and to expedite court procedures and the**

training of law enforcement and judicial officials in child rights and the rehabilitative aims of juvenile justice, as provided for by the Convention on the Rights of the Child.

70. **The Committee strongly urges the State party to use the deprivation of libert, only as a measure of "last resort" in dispensing juvenile justice, as required by the Convention. To this end, the Committee urges the State party to make wider use of alternatives to deprivation of liberty, to make the necessary resources available for administering such alternatives and to restructure juvenile reform institutions with a view to enhancing the rehabilitation of juvenile delinquents.**

71. **The Committee also urges the State party to take immediate measures to protect the rights of children deprived of their liberty, by providing legal assistance to children and by improving conditions in places of detention, including pre-trial detention centres and educational colonies. Further, the Committee recommends the establishment of an appropriate and independent child-friendly complaint mechanism in cooperation with NGOs, the timely addressing of rights violations observed and programmes to assist in the rehabilitation and reinsertion into society of juveniles following their release from detention.**

72. **The Committee recommends that the State party consider seeking international cooperation and technical assistance with regard to juvenile justice from, inter alia, the United Nations Centre for International Crime Prevention, the Office of the High Commissioner for Human Rights, UNICEF and the International Network on Juvenile Justice through the United Nations Coordination Panel on Juvenile Justice.**

Dissemination of reports

73. **Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and the concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty- Second Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations of the Committee on the Rights of the Child

VANUATU

1. The Committee considered the initial report of Vanuatu (CRC/C/28/Add.8) at its 566th to 567th meetings (CRC/C/SR.566-567), held on 24 September 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/VAN/1). The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a representative directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 586th meeting, held on 8 October 1999.

B. Positive aspects

3. The Committee appreciates the State party's initiative of establishing an Ombudsman Office mandated to handle complaints by children whose rights have been violated. In this connection, the Committee notes the efforts of the Ombudsman to facilitate the ban on the use of corporal punishment in schools and to promote greater awareness among the police of the principles and provisions of the Convention.

4. The Committee notes that the Convention has been made available in English and French and that it has been translated by the State party into Bislama.

5. The Committee takes note of the efforts made by the State party in the area of primary health care services, which have improved the chances of survival and development for children.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the socio-economic, geographic and political difficulties facing the State party have impeded the full implementation of the Convention. In particular it notes the challenges faced by the State party in implementing adequate programmes and services for children in its dispersed island communities, some of which are isolated and very difficult to reach. The Committee acknowledges the vulnerability of the State party with respect to natural disasters such as cyclones, typhoons, tidal waves and flooding, and the challenges faced in this regard. The Committee further notes that the limited availability of human resources has also adversely affected the full implementation of the Convention.

D. Subjects of concern and Committee recommendations

D.1. General measures of implementation

7. The Committee expresses its concern that domestic legislation and customary law do not fully reflect the principles and provisions of the Convention. **The Committee recommends that the State party undertake a review of its domestic legislation with a view to ensuring full conformity with the principles and provisions of the Convention. The Committee also recommends that the State party consider the enactment of a comprehensive children's code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

8. While the Committee notes that the State party has elaborated a proposal to establish a Children's Office and a National Children's Committee, it remains concerned that the proposal has not yet been implemented and that the modus operandi of the agencies has not been clearly articulated. **The Committee strongly recommends that the State party undertake all necessary measures to ensure that the proposal is carried out as soon as possible and that adequate funding is allocated to ensure that the Office and the Committee are effectively established.**

9. The Committee notes that the State party has elaborated a National Programme of Action for Children (1993-2000) which focuses on health; population and family planning; nutrition; water supply and environmental sanitation; agriculture, livestock and fisheries; and education. However, the Committee is concerned that a specific budget has not been allocated for the implementation of the Programme. **The Committee encourages the State party to undertake all appropriate measures to implement the National Programme of Action for Children. In this connection, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and the World Health Organization (WHO).**

10. The Committee is concerned at the lack of a data collection mechanism within the State party to make possible the systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the State party develop a comprehensive system of data collection consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, child victims of abuse or ill-treatment, and children living in remote island and urban squatter communities.**

11. The Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children. **In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

12. The Committee notes the efforts of the State party in disseminating information about the Convention and recognizes the challenges faced in this regard, particularly in the light of the fact that 82 per cent of the population live in remote island communities. However, the Committee is concerned that the general population remains insufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that the State party develop more creative methods to promote the Convention, including through visual aids such as picture books and posters. Additionally, the Committee recommends the use of traditional methods of communication in promoting the principles and provisions of the Convention. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The Committee further recommends that efforts be made to sensitize civil society, including community chiefs, religious leaders, NGOs and the media, about children's rights and to facilitate their participation in the dissemination and promotion of the Convention. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system. It is suggested that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

D.2. Definition of the Child

13. The Committee expresses concern regarding the low minimum age for criminal responsibility (10 years). The Committee is also concerned about the disparity between the minimum legal age for the marriage of boys (18 years) and that of girls (16 years). **The Committee recommends that the State party review its legislation in order to bring it into full conformity with the provisions and principles of the Convention.**

D.3. General principles

14. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and its policies and programmes relevant to children. **It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

15. The Committee is concerned that traditional practices and attitudes still limit the full implementation of the Convention, in particular article 12. **The Committee recommends that the State party seek to develop a systematic approach, with the involvement of community chiefs, religious leaders and civil society, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, in school and generally in society.**

D.4. Civil rights and freedoms

16. While the Committee is aware that corporal punishment is prohibited by law in schools, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within the family, in schools, care and juvenile justice systems and generally in society. **The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that alternative forms of discipline are administered in families, schools, and care and other institutions, in a manner consistent with the child's dignity and in conformity with the Convention. In this connection, the Committee recommends that the State party provide counselling and other programmes for parents, teachers and professionals working in institutions to encourage their use of alternative forms of punishment. In addition, the Committee strongly recommends that all necessary measures be taken to ensure the full and effective implementation of the ban on corporal punishment in schools.**

D.5. Family environment and alternative care

17. The lack of data, appropriate measures, mechanisms and resources to prevent and combat domestic violence, including child sexual abuse, are matters of grave concern to the Committee. **In the light of article 19, the Committee recommends that the State party undertake studies**

on domestic violence, ill-treatment and abuse, including sexual abuse, to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and WHO.

D.6. Basic health and welfare

18. The Committee notes the efforts of the State party to improve the general situation of health. In particular, it notes that both the infant mortality rate and the under-five mortality rate have declined rapidly during the past decade and that immunization coverage has improved considerably. The Committee also notes that the State party has implemented a food and nutrition programme, which has resulted in a reduction in the incidence of malnutrition. The Committee is concerned, however, that the survival and development of children within the State party continue to be threatened by malaria, acute respiratory infections and diarrhoeal diseases. The Committee is also concerned about the insufficient number of trained health workers; wide discrepancies in the distribution of health professionals between communities; limited access to health services in some island communities; poor sanitation and limited access to safe drinking water, particularly in remote areas. **The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children and facilitate greater access to primary health services. The Committee recommends that the State party continue its efforts to reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; and prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children. The Committee also recommends that the State party undertake additional measures to increase access to safe drinking water and to improve sanitation. Additionally, the Committee encourages the State party to continue its technical cooperation programmes with UNICEF, WHO and others to improve primary health care.**

19. While noting with appreciation the activities of the Vanuatu Society of Disabled Persons regarding assistance to and rehabilitation of children with disabilities, the Committee remains concerned that insufficient efforts have been made to protect the rights of children with disabilities. **The Committee recommends that the State party allocate the necessary resources for programmes and facilities for children with disabilities. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is also recommended that the State party develop early identification programmes to prevent disabilities, establish special education programmes for children with disabilities and further encourage their integration into the educational system and their inclusion in**

society. The Committee recommends that the State party seek technical cooperation for the training of persons working with and for children with disabilities from, inter alia, UNICEF and the WHO.

20. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortions. The Committee is particularly concerned at the high and increasing incidence of teenage pregnancy and sexually transmitted diseases (STDs) as well as the prevalence of the use of alcohol and tobacco among youth. **The Committee recommends that the State party increase its efforts to promote adolescent health policies, particularly with respect to accidents, suicide, violence, alcohol consumption and tobacco use. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems, including the negative impact of early pregnancy and STDs. Additionally, it is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities that would be accessible, without parental consent, in the best interests of the child. The State party is urged to strengthen reproductive health education programmes for adolescents and to ensure the inclusion of men in all training programmes on reproductive health.**

D.7. Education, leisure and cultural activities

21. The Committee notes the importance of the role of traditional education, particularly in remote island communities. The Committee expresses grave concern that primary education is still not compulsory and free to all children in the State party. Further, the Committee is concerned about the limited access to education, the low rate of enrolment of girls, the low literacy rate, the poor quality of education, the general lack of relevant learning material and other resources, and the insufficient numbers of trained/qualified teachers. There is a concern that efforts have not been made to introduce local languages into the education curricula. Many parents continue to see education as having a negative impact on the behaviour of children. **In the light of article 28.1 (a), it is strongly recommended that the State party undertake, within two years, to elaborate, adopt and submit to the Committee a detailed plan of action for the progressive implementation, within a reasonable number of years, of compulsory education free of charge for all. The Committee further recommends that the State party undertake a study of the educational system with a view to improving access to education at all levels of the system, increasing the enrolment rate of girls, particularly at the secondary level, introducing local languages as additional tools of instruction, and improving the overall quality of education. The Committee also recommends that a public education campaign be undertaken to promote the importance of education and to influence cultural attitudes positively in this regard. It is recommended that the State party seek technical cooperation from, inter alia, UNICEF and UNESCO.**

D. 8. Special protection measures

22. The Committee is concerned at the insufficient data on child labour and economic exploitation of children. **Given the limited access to secondary education and the resulting**

early employment of children, the Committee suggests that the State party undertake a survey on child labour and economic exploitation, particularly in the informal sector.

23. The Committee is concerned about the problems faced by the State party with respect to its judiciary, including the juvenile justice process. The Committee acknowledges the information provided about the traditional way in which juvenile delinquency is treated and **recommends that the State party:**

(a) Undertake measures to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice; and

(c) Consider seeking technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, UNICEF and the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

24. Lastly, **the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that consideration be given to publishing the report along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations of the Committee on the Rights of the Child

MEXICO

1. The Committee considered the second periodic report of Mexico (CRC/C/65/Add.6) and its supplementary report (CRC/C/65/Add.16) at its 568th and 569th meetings (see CRC/C/SR.568-569), held on 27 September 1999, and adopted* the following concluding observations.

A. Introduction

2. While welcoming the submission of the State party's second periodic report, the Committee regrets that the report did not follow the guidelines for reporting. The Committee also welcomes the supplementary report as well as the wealth of information provided by the State party's delegation in the course of its dialogue with the Committee. The Committee notes with appreciation the written replies to the list of issues (CRC/C/Q/MEX/2), while regretting their late submission. In particular, the Committee is encouraged by the statement made by the State party's delegation that the Convention is used by the State party as the guiding tool for action in the field of children's rights. The Committee is encouraged by the constructive and open dialogue it had with the State party's delegation.

* At the 586th meeting, held on 8 October 1999.

B. Follow-up measures undertaken and progress achieved by the State party

3. The establishment of initiatives such as the National Programme of Action for Children (1995-2000), the National Development Plan (1995-2000), and the Programme for Education, Health and Nutrition (PROGRESA) are regarded as positive measures in line with the Committee's recommendations (see CRC/C/15/Add.13, para. 16). In this regard, the Committee welcomes the fact that the State party, one of the six countries that convened the World Summit for Children in 1990, has undertaken measures, in conjunction with the other conveners, to hold a series of events to evaluate and follow up the commitments made by States in 1990.

4. In the light of the Committee's recommendation (CRC/C/15/Add.13, para. 19), the Committee welcomes the multiple measures undertaken by the State party, in particular by the National Commission of Human Rights (CNDH) and the National System for the Integral Development of the Family (DIF), to create awareness of the principles and provisions of the Convention. In this regard, the holding of the Children's Federal Elections (1997), an illustration of the principle of respect for the views of the child (art. 12 of the Convention), is also welcomed by the Committee.

5. The Committee welcomes the State party's accession (1999) to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Belem do Pará Convention) and the legislative reform process aimed at making domestic violence a crime in the State party's domestic legislation. The Committee considers these as positive measures to combat gender discrimination and child abuse and ill-treatment, in line with the Committee's recommendation (CRC/C/15/Add.13, para.18).

6. The Committee welcomes the State party's accession (in 1994) to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption in line with the Committee's recommendation (CRC/C/15/Add.13, para. 18). The State party's accession (in 1999) to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is also welcomed by the Committee.

7. The Committee also welcomes the implementation of the Reciprocal Programme for Obtaining Maintenance Fees (URESA/RURESA) signed between the State party and the United States of America, which has particular importance owing to the high emigration rate of Mexican nationals to that country.

8. The Committee welcomes the measures taken by the State party to prevent and combat the abuse of drugs by children and, in particular, the agreement signed between the State party, UNICEF and the United Nations Drug Control Programme (UNDCP) to work jointly to prevent and combat drug abuse by children.

C. Factors and difficulties impeding further progress in the implementation of the Convention

9. The Committee notes that widespread poverty and long-standing economic and social disparities within the State party are still affecting the most vulnerable groups, including

children, and hampering the enjoyment of the rights of the child in the State party. The Committee also notes that this situation has been particularly aggravated by severe economic crises and drastic economic reforms.

D. Principal subjects of concern and Committee recommendations

D.1. General measures of implementation

10. While noting the measures taken by the State party to implement the Committee's recommendation (CRC/C/15/Add.13, para. 15) concerning the need to harmonize domestic legislation with the Convention, in particular in relation to the process for enacting the Child Protection Code, the Committee remains concerned that current domestic legislation on children's rights, both at the federal and State levels, does still not reflect the principles and provisions of the Convention and that measures taken to harmonize domestic legislation seem somewhat fragmented and do not take into consideration the holistic approach of the Convention. **The Committee reiterates its recommendation that the State party continue its process of legislative reform to ensure that domestic legislation relating to children's rights, both at the federal and state levels, is in full conformity with the principles and provisions of the Convention and reflects its holistic nature.**

11. The Committee welcomes the appointment of 32 state procurators for the defence of the rights of the child and the family and takes note of the proposals to enact a general act establishing the role and powers of their offices. However, the Committee is concerned about the limited powers and resources, both financial and human, of these offices to function in an effective manner for the protection of children's rights. **The Committee recommends that the State party continue its efforts, including legislative measures, to strengthen the mandate and independence, both at the federal and state levels, as well as to increase the resources, both financial and human, of the offices of the state procurators for the defence of the rights of the child and the family.**

12. With regard to the Committee's recommendation (CRC/C/15/Add.13, para. 15), the Committee welcomes the measures taken by the Ministry of Health and the national System for the Integral Development of the Family (DIF) in the coordination and monitoring of the implementation of the National Plan of Action (1995-2000) and takes note of the establishment of the National System for the Follow-up and Monitoring of the Implementation of the Convention (1998). However, the Committee remains concerned that the National System is only operational in seven states of the State party's territory. **In this regard, the Committee recommends that the State party continue taking effective measures to accelerate the establishment, within the framework of the National System for the Follow-up and Monitoring of the Convention, of commissions, at the federal and state levels, to guarantee the implementation of the Convention. In addition, the Committee encourages the State party to continue working in close cooperation with non-governmental organizations active in the field of children's rights. Furthermore, the Committee recommends that non-governmental organizations be included in the design and implementation of policies and programmes carried out by the National System.**

13. While taking note of the statistics on the situation of children contained in the supplementary report provided by the State party, in particular those developed for monitoring the National Plan of Action for Children (1995-2000), the Committee remains concerned about the lack of disaggregated data for all areas covered by the Convention. **The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all areas covered by the Convention. In addition, the Committee encourages the State party to use the information provided by its next population census (2000) as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age, and specifically emphasize the situation of vulnerable groups of children, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.**

14. With regard to the provision of training for professionals working with and for children (see Committee's recommendation, CRC/C/15/Add.13, para. 19), the Committee welcomes the efforts undertaken in this area, in particular by the National Commission of Human Rights (CNDH) and DIF. **The Committee encourages the State party to continue implementing systematic education and training programmes on the provisions of the Convention for parliamentarians and all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.**

15. In the light of its recommendation (CRC/C/15/Add.13, para.16), the Committee welcomes the measures undertaken by the State party in designing and implementing social policies and programmes for children. Nevertheless, the Committee remains concerned that, despite the State party's measures in this area, poverty and social and regional inequalities are still affecting a large number of children and their families. **The Committee reiterates its recommendation (CRC/C/15/Add.13, para. 16) that such measures should be undertaken "to the maximum extent of ... available resources" in the light of articles 2, 3 and 4 of the Convention. The Committee further recommends that the State Party give priority to ensuring that sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups.**

D.2 Definition of the child

16. The Committee expresses its concern that the minimum legal ages for marriage of boys (16) and girls (14) in most of the states of the State party are too low and that these ages are different for boys and girls. This situation is contrary to the principles and provisions of the Convention and constitutes a form of gender-based discrimination which affects the enjoyment of all rights. **The Committee recommends that the State party undertake legislative reform, both at the federal and state levels, to raise and equalize the minimum legal ages for marriage of boys and girls.**

D.3 General principles

17. The Committee welcomes the information provided by the State party about the national public referendum regarding the rights of the child and takes note of the process of constitutional reform generated by this referendum; both initiatives are in line with the Committee's recommendation (CRC/C/15/Add.13, paras. 15 and 16). **In this regard, the Committee encourages the State party to continue these initiatives with the aim of introducing into the Constitution the principles of non-discrimination and the best interests of the child (arts. 2 and 3 of the Convention).**

18. While the Committee acknowledges the State party's measures to implement the Committee's recommendation (CRC/C/15/Add.13, para. 18) concerning the protection of the rights of the most vulnerable groups of children, in particular the measures carried out by PROGRESA, DIF, the National Indigenous Institute (INI) and CONMUJER, the Committee is of the opinion that these measures need to be reinforced. **The Committee reiterates its recommendation and further recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living and/or working on the streets and children living in rural areas.**

19. The Committee takes note of the efforts made in the field of legislative reform to integrate the principles of "best interests of the child" (art. 3) and "respect for the views of the child" (art. 12) into domestic legislation, at both state and federal levels. Nevertheless, the Committee remains concerned that these principles are not fully implemented. **The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school and in other social institutions. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, and educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children who are too often regarded as the objects (*Doctrina de la Situación Irregular*) rather than the subjects of rights.**

20. In the light of article 6 and other related provisions of the Convention, the Committee expresses its concern about the threat to the right to life of children caused by the degree of militarization in the State party and the confrontations with "irregular armed civilian groups" in parts of the State party's territory, especially in the states of Chiapas, Oaxaca, Guerrero and Veracruz. **The Committee recommends that the State party take effective measures to protect children against the negative effects of these confrontations. The establishment of rehabilitation measures for child victims of these confrontations is also recommended.**

D.4 Civil rights and freedoms

21. Although the State party has made significant progress in the area of birth registration, the Committee is of the opinion that greater efforts are needed to ensure that all children are registered, especially those belonging to the most vulnerable groups. **The Committee**

recommends that the State party strengthen its measures to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.

22. With regard to the State party's initiatives to promote children's participatory rights, the Committee is of the opinion that these efforts need to be improved and strengthened. **In the light of articles 12, 13, 14 and 15 of the Convention, the Committee recommends that further measures be undertaken to promote the participation of children in the family, at school and in other social institutions, as well as to guarantee their effective enjoyment of the fundamental freedoms, including those of opinion, expression and association.**

23. Although the Committee notes with appreciation the measures taken by the State party to comply with the Committee's recommendation (CRC/C/15/Add.13, para.17), it remains concerned about the persistent number of alleged cases of children who have been detained in extreme conditions which amount to cruel, inhuman or degrading treatment, and cases of children physically ill-treated by members of the police or the armed forces. **The Committee recommends that the State party reinforce its judicial mechanisms to deal effectively with complaints of police brutality, ill-treatment and abuse of children, and that cases of violence and abuse against children be duly investigated in order to avoid the impunity of perpetrators. In this regard, the Committee endorses the recommendations made by the Committee against Torture in May 1997 (A/52/44, paras. 166-170).**

D.5. Family environment and alternative care

24. While the Committee welcomes the measures taken by the State party to comply with the Committee's recommendation (CRC/C/15/Add.13, para. 18), it is still concerned about the insufficient alternative care measures for children deprived of a family environment. **The Committee recommends that the State party continue taking the necessary steps to develop alternatives to institutional care of children (e.g. domestic adoption and foster care). The Committee also recommends that the State party reinforce its monitoring and evaluation system to ensure the adequate development of children living in institutions. The Committee encourages the State party to continue taking measures to review periodically the placement and treatment of children, as enshrined in article 25 of the Convention.**

25. Although the Committee takes note of the establishment of the National Programme against Domestic Violence, 1999-2000 (PRONAVI), it remains concerned that, as acknowledged in the State party's report, physical and sexual abuse - within and outside the family - is a serious problem in the State party. Concern is also expressed that domestic legislation, at both the federal and state levels, does not explicitly prohibit the use of corporal punishment in schools. **In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party continue taking effective measures, including setting up multidisciplinary treatment and rehabilitation programmes, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests that law enforcement should be strengthened with respect to such crimes, that adequate procedures and mechanisms to deal effectively with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and that the use of corporal punishment at home, in schools and other institutions, be explicitly**

prohibited by law. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.

D.6. Basic health and welfare

26. With regard to the measures taken to improve the health standards of children, in particular initiatives to the reduce infant mortality, the Committee remains concerned at the persistence of regional disparities in access to health care, at the high rates of malnutrition among children under five years of age and those of school age, especially in rural and remote areas and among children belonging to indigenous groups. **The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas.**

27. While welcoming the State party's initiatives and programmes in the field of adolescent health, in particular those of the National Programme of Prevention to Adolescent Mothers and the National Council for the Prevention and Control of HIV/AIDS (CONASIDA), the Committee remains concerned at the high teenage maternal mortality rate and the high number of teenage pregnancies. **The Committee recommends that the State party continue its efforts to prevent the spread of HIV/AIDS and that it take into consideration the recommendations adopted by the Committee on its day of general discussion on "Children living in a world of HIV/AIDS" (CRC/C/80). The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services and of care and rehabilitation facilities for adolescents.**

D.7. Education, leisure and cultural activities

28. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary schools, and the disparities in access to education between rural and urban areas. The Committee is particularly concerned about the situation of children belonging to indigenous groups regarding their access to education and the low relevance of the current bilingual educational programmes available for them. **In the light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to strengthen ongoing retention programmes and vocational training for drop-out students. The Committee also recommends that the State party continue taking effective measures to improve the educational situation of children belonging to the most vulnerable groups, in particular, with regard to bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia, from UNICEF and UNESCO.**

D.8. Special protection measures

29. Although the Committee is aware of the measures taken by the State party, in particular by INI, it remains concerned about the living conditions of children belonging to indigenous groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. **In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous groups against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.**

30. While welcoming the fact that the State party's legislation complies with international labour standards and the measures taken for the eradication of child labour, the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee is particularly concerned that the State party, in its second periodic report, categorized only "street children" as "working children". The Committee is of the opinion that this misconception affects the scope and perception of this social phenomenon. In this regard, the Committee is particularly concerned that a large number of children are still involved in labour activities, especially in the informal sector and in agriculture. The Committee expresses its concern at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation. **In light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party reconsider its position regarding the issue of child labour. The situation of children involved in hazardous labour, especially in the informal sector, deserves special attention. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee recommends that the State party consider seeking technical assistance from the International Labour Organization's International Programme for the Elimination of Child Labour (IPEC). The Committee encourages the State party to consider ratifying ILO Convention (No 138) regarding Minimum Age for Admission to Employment (1973) and the new ILO Convention (No 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).**

31. In view of the assessment and recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography (see E/CN.4/1998/101/Add.2) regarding the situation of the sexual exploitation of children in Mexico, the Committee welcomes the measures taken by the State party to combat this phenomenon, in particular, the establishment of the Inter-institutional Commission to Eradicate the Sexual Exploitation of Children. **In this regard, and in the light of article 34 and other related articles of the Convention, the Committee recommends that the State party take all effective measures to implement the recommendations made by the Special Rapporteur following her visit to Mexico. In particular, the Committee recommends that the State party conduct a study on the issue of commercial sexual exploitation of children with a view to designing and implementing appropriate policies and measures, including care and rehabilitation; and that it reinforce its legislation, including punishment against perpetrators; and that it conduct awareness raising campaigns on this issue.**

32. **While the Committee is aware of the measures taken by the State party on the situation of "repatriated children" (*menores fronterizos*), it remains particularly concerned that a great number of these children are victims of trafficking networks, which use them for sexual or economic exploitation. Concern is also expressed about the increasing number of cases of trafficking and sale of children from neighbouring countries who are brought into the State party to work in prostitution. In this regard, the Committee recommends that the State party continue taking effective measures on an urgent basis to protect Mexican migrant children, to strengthen law enforcement and to implement the State party's national programme of prevention. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of bilateral and regional agreements with neighbouring countries to facilitate the repatriation of trafficked children and encourage their rehabilitation. Furthermore, the Committee endorses the recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography following her visit to Mexico (see E/CN.4/1998/101/Add.2) with regard to the situation of children living in border areas.**

33. With regard to the administration of the juvenile justice system, the Committee remains concerned that:

(a) Federal and state legislation is not all in accordance with the principles and provisions of the Convention, especially regarding the low age of criminal responsibility;

(b) Deprivation of liberty is not systematically used only as a measure of last resort;

(c) Children are often detained together with adults in police stations;

(d) Cases are processed at a slow pace;

(e) Detention centres have very poor conditions;

(f) Juveniles have insufficient access to legal assistance;

(g) Insufficient rehabilitation measures exist for juvenile offenders;

(h) There is insufficient supervision and monitoring in detention centres;

(i) There is limited trained staff in detention centres.

In the light of articles 37, 40 and 39 and other relevant standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party:

(a) Effectively implement a juvenile justice system in accordance with the Convention and other related international standards;

(b) Ensure the improvement of the conditions of children living in prisons and detention centres;

(c) Develop centres for the rehabilitation of children in conflict with the law;

(d) Prohibit the use of violence by law enforcement officials;

(e) Ensure that the use of deprivation of liberty is used only as a measure of last resort;

(f) Guarantee prompt access to justice for children in pre-trial detention;

(g) Develop alternative measures to deprivation of liberty;

(h) Strengthen its training programmes on the relevant international standards, for judges, professionals and staff working in the field of juvenile justice.

Furthermore, the Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice.

34. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the periodic report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

MALI

1. The Committee considered the initial report of Mali (CRC/C/3/Add.53) at its 570th to 572nd meetings (CRC/C/SR.570-572) on 28 and 29 September 1999 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and included substantive statistical information on the situation of children. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/MALI/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 586th meeting, held on 8 October 1999.

B. Positive aspects

3. The Committee welcomes the implementation of the National Plan of Action for the Survival, Development and Protection of Children (1992-2000). In this regard, it also welcomes the establishment of the Inter-Ministerial Commission for the Implementation of the Plan of Action, whose responsibilities include monitoring the implementation of activities under the Plan and promoting cooperation between donors and the competent technical departments. The Committee further welcomes the establishment of the Ministry for the Advancement of Women, Children and the Family, which, inter alia, facilitates the work of the Commission, particularly as regards the coordination of programmes.

4. The Committee notes that the Convention has been translated into Bamanan and Soninke, the State party's most widely spoken languages, and distributed using posters, booklets, leaflets, brochures and cartoon strips. The Committee welcomes the State party's use of traditional folk songs, stories and plays in promoting the principles of the Convention. The Committee also welcomes the introduction of a training programme on the Convention which has to date prepared a manual for trainers, trained 18 trainers and established regional and national teams of trainers. The efforts made thus far to train officials working with and for children about the Convention and to sensitize the media about children's rights are also noted. The Committee appreciates the fact that the Convention has been incorporated in the programme of the teacher training college and in the civic and moral education syllabuses at the primary school level.

5. The Committee expresses its appreciation for the State party's efforts in encouraging greater child participation and promoting respect for the views of the child. In particular, the Committee welcomes the annual Children's Parliament and the "Public Forum" which allow children the opportunity to participate in and express their views on human rights and other matters of concern to them, including the National Plan of Action on the Survival, Development and Protection of Children. The Committee notes with appreciation that the Children's Parliament includes children with disabilities. The Committee also notes with appreciation that the membership of school disciplinary councils includes children.

6. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the elaboration and recent implementation of the "Ten-Year Programme for the Development of Education" (PRODEC) which aims, inter alia, to establish parity between boys and girls in terms of recruitment and enrolment, to expand the use of national languages in education and to improve the overall quality of education. The Committee expresses appreciation for the recent initiatives to promote the enrolment of girls at all levels of the educational system. In particular, it notes the establishment of a special unit for the promotion of the education of girls within the Ministry of Basic Education and the implementation of a policy to allow pregnant schoolgirls to continue their education. The Committee further notes the efforts to introduce or revitalize school canteens in economically disadvantaged communities. The Committee appreciates the recent efforts to improve the infrastructure through the construction of additional schools and classrooms and the refurbishment of existing ones.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

D.1. General measures of implementation

8. The Committee notes the commitment expressed by the delegation to encourage the State party to withdraw its reservation to article 16 of the Convention **and recommends that all necessary measures be taken to facilitate the process at the earliest possible opportunity, in the light of the Vienna Declaration and Programme of Action (1993).**

9. The Committee notes that a study was undertaken to identify the inconsistencies between domestic legislation and the Convention. The Committee also notes that a Code on the Well-being and Protection of Children has been elaborated and incorporated in the Code of General Social Protection which is currently being reviewed by the Ministry for the Advancement of Women, Children and the Family with a view to final adoption by the National Assembly. The Committee remains concerned, however, that domestic legislation, and in particular customary law, still does not fully reflect the principles and provisions of the Convention. **The Committee encourages the State party to take all necessary measures to ensure the early enactment of the draft Code of General Social Protection and to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.**

10. While the Committee notes the establishment of the Inter-Ministerial Commission for the Implementation of the National Plan of Action for the Survival, Development and Protection of Children, it is concerned that insufficient resources have been allocated to allow the Commission to coordinate effectively the implementation of programmes for children. The Committee is also concerned that much of the work of the Commission is centralized in the regional capitals and the Bamako district, with very little focus at the community level. **The Committee recommends that the State party take all necessary measures to ensure that adequate human and financial resources are allocated to facilitate the coordination and implementation of the National Plan of Action, as well as of the Convention, and that programmes be established in rural areas at the community level.**

11. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. **The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness raising campaign to facilitate the effective use by children of such a mechanism.**

12. The Committee is concerned that the current data collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including: girls; children with disabilities; child labourers, especially domestic workers; garibou students; children living in remote rural areas; child brides; children working and/or living on the streets; children living in institutions; and refugee children. Technical assistance in this area from, inter alia, UNICEF is encouraged.**

13. The Committee notes the impact of economic policies and the structural adjustment programme, which have had adverse effects on social investment. The Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". **In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

14. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available in local languages and to promote and disseminate its principles and provisions through the use of, inter alia, traditional methods of communication. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of traditional community leaders, as well as professional groups working with and for children, such as judges, lawyers, law enforcement personnel, health personnel, including psychologists, social workers, officials of central or local administration and personnel of child-care institutions. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

D.2. Definition of the child

15. While the Committee notes the State party's proposal to review the Marriage and Guardianship Code, it remains concerned at the low minimum legal age for marriage of girls (15 years) as compared to that of boys (18 years). **The Committee encourages the State party to amend the Marriage and Guardianship Code to bring it into conformity with the provisions of the Convention.**

D.3. General principles

16. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children. **The Committee encourages the State party to continue its efforts to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately incorporated in all legal revisions, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

17. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education, health and other social services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including: girls; children with disabilities; child labourers, especially domestic workers; garibou students; children living in rural areas; child brides; children working and/or living on the streets; children in the juvenile justice system; children living in institutions; and refugee children. **The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups.**

18. While the Committee recognizes the efforts of the State party to promote respect for the views of the child and encourage child participation, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention. **The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems.**

D.4. Civil rights and freedoms

19. The Committee notes that domestic legislation within the State party provides for the registration of all children at birth and that recent initiatives have been undertaken to improve and facilitate the process of birth registration, particularly in rural areas. However, the Committee is concerned that many children are still not registered. **In the light of articles 7 and 8 of the Convention, the Committee encourages the State party to continue its efforts to ensure that birth registration is made accessible to all parents within the State party. The**

Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

20. The Committee notes with concern that insufficient efforts have been made to protect children from harmful information shown in private cinemas, homes and community settings. **In the light of article 17 of the Convention, the Committee recommends that the State party reinforce existing and/or establish new appropriate measures to protect children from harmful information.**

21. The Committee is concerned about the insufficient measures taken to prevent and prohibit police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity. **The Committee recommends that all appropriate measures be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee also recommends that greater efforts be made to prevent police brutality and to ensure that child victims are provided with adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned. The Committee recommends that the State party consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

D.5. Family environment and alternative care

22. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the lack of support for existing ones. Concern is also expressed about the living conditions in alternative care institutions, the inadequate monitoring of placements and the limited number of qualified personnel in this field. The Committee notes with concern that foster care has not yet been institutionalized or standardized and that the organizations involved are generally left to develop their own individual systems of monitoring and recruitment. **The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts to provide support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party develop a clear policy with respect to foster care and introduce measures to ensure a standardized approach with respect to recruitment, monitoring and evaluation under existing foster care programmes.**

23. The Committee welcomes the recent initiative undertaken by the State party in establishing the National Commission to Study Intercountry Adoption and Combat Trafficking in Children. The Committee notes that the final report of the Commission, due in October 1999, will include legislative and other recommendations to protect the rights of children in situations of adoption and to prevent and combat the phenomenon of trafficking in children. The Committee remains concerned, however, at the absence of legislation, policies and institutions to regulate intercountry adoptions. The lack of monitoring with respect to both domestic and intercountry adoptions and the widespread practice of *kalifa* (informal adoptions) are also matters of concern. **In the light of article 21 of the Convention, the Committee recommends that the**

State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions and prevent the abuse of the practice of *kalifa*. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to regulate intercountry adoptions. The Committee further encourages the State party to consider acceding to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

24. The lack of appropriate measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, including sexual abuse within the family, the inadequate resources (both financial and human), the insufficient number of adequately trained personnel to prevent and combat abuse, as well as the lack of awareness and information, including statistical data on these phenomena, are matters of concern for the Committee. **In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse in order to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and WHO.**

25. While the Committee is aware that corporal punishment is prohibited in schools and in care and other institutions, including the Bollé Observation and Rehabilitation Centre, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within families and generally within society. **The Committee recommends that the State party take appropriate measures to prohibit by law corporal punishment in care institutions. The Committee further recommends that the State party reinforce measures to raise awareness of the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity and in conformity with the Convention.**

D 6. Basic health and welfare

26. While the Committee notes the recent efforts to improve the general situation of health, it remains concerned that the survival and development of children within the State party continues to be threatened by diseases such as malaria, acute respiratory infections and diarrhoea. The Committee is also concerned at the high incidence of child and infant mortality, as well as maternal mortality, the high rate of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. **The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children; facilitate access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat**

malnutrition, especially in vulnerable and disadvantaged groups of children, and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

27. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. While the Committee notes that the State party has initiated a national anti-AIDS programme which aims, inter alia, to establish counselling and treatment centres for people living with HIV/AIDS and sexually transmitted diseases (STDs), it remains concerned at the high and increasing incidence of HIV/AIDS and STDs. **The Committee recommends that the State party increase its efforts to promote adolescent health policies, particularly with respect to accidents, suicide and violence, and to strengthen reproductive health education and counselling services. In this regard, the Committee encourages the introduction of training programmes on reproductive health. The Committee suggests that a comprehensive and multidisciplinary study be undertaken on the scope of adolescent health problems, including the negative impact of early pregnancy and the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be accessible without parental consent, where this is in the best interests of the child.**

28. The Committee notes the efforts of the State party to introduce measures to eradicate the practice of female genital mutilation (FGM) and other harmful traditional practices affecting the health of girls, including early and forced marriages. The Committee welcomes the proposal to establish a national committee on practices harmful to the health of women and children and to implement a plan of action to reduce the practice by the year 2008. The Committee remains concerned, however, that harmful traditional practices such as excision and early and forced marriages continue to be widely practised within the State party. The Committee also notes with concern that approximately 75 per cent of women in the State party are in favour of maintaining the practice of excision. **The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health of girls. The Committee urges the State party to continue its efforts to conduct sensitization programmes for practitioners and the general public in order to change traditional attitudes and discourage harmful practices. In this regard, the Committee also encourages the establishment of alternative career training programmes for practitioners. The Committee encourages the State party to continue its collaboration with, inter alia, neighbouring States to identify good practices undertaken in the campaign to combat and eradicate the practice of FGM and other harmful traditional practices affecting the health of girls.**

29. The Committee expresses its concern at the absence of legal protection and the insufficient number of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly**

resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.

D.7 Education, leisure and cultural activities

30. The Committee notes the significant progress made in the field of education, including under the 20/20 Initiative adopted at the World Summit for Social Development in Copenhagen in 1995. The Committee remains concerned that many children, particularly girls, still do not attend school. With respect to the general situation of education, the Committee notes with concern: the extent of overcrowding, high drop-out, illiteracy and repetition rates, lack of basic training materials, poorly maintained infrastructure and equipment, shortages of text books and other materials, and the insufficient number of trained teachers. **The State party is encouraged to continue its efforts to promote the school attendance of girls. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education.**

D.8 Special protection measures

31. While recognizing the State party's openness to hosting refugees from neighbouring States, the Committee remains concerned at the lack of adequate legal provisions, policies and programmes to guarantee and protect the rights of refugee and asylum-seeking children. **The Committee recommends that the State party develop a legislative framework for the protection of refugee and asylum-seeking children, and implement policies and programmes to guarantee them adequate access to health, education and social services.**

32. The Committee notes the initiatives taken by the State party in the area of child labour and economic exploitation and in particular the recent study and follow-up activities undertaken in this regard, including the establishment of the National Programme to Combat Child Labour. However, the Committee remains concerned at the situation of child labour, especially as regards, children engaged in domestic and agricultural labour, children engaged in mining and traditional gold-washing and children engaged as apprentices in the informal sector. **The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. The Committee also suggests that the State party increase its efforts to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment and that it consider ratifying ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour.**

33. The Committee notes that a national forum on child begging was held in 1998 and resulted in the elaboration of a plan to include *marabouts* and other Koranic teachers in the campaign to eradicate child begging. The Committee further notes that a vocational training programme has been established for *garibou* children in Mopti to discourage their continued involvement in begging. The Committee remains concerned, however, that children, particularly *garibous*, continue to be exploited and encouraged to beg. **The Committee recommends that the State party continue to promote programmes to discourage and prevent child begging and to ensure that such programmes are implemented in all areas where child begging is a concern.**

34. The Committee is concerned at the high and increasing incidence of drug and substance abuse among youth and the limited psycho-social and medical programmes and services available in this regard. **In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be introduced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF and WHO.**

35. The absence of adequate information, including disaggregated statistical data, on the situation with regard to the sexual exploitation of children, is a matter of concern for the Committee. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation.**

36. While the Committee notes the efforts of the State party, it remains concerned at the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate legal and other measures to prevent and combat this phenomenon. **In the light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework, strengthen law enforcement and intensify its efforts to raise awareness in communities, generally in rural areas and particularly in the Sikasso region. The State party is further encouraged to continue its cooperation with neighbouring countries to eradicate cross-border trafficking in children.**

37. While the Committee notes the recent efforts in the area of juvenile justice, it is concerned that the juvenile justice system does not cover all areas of the State party. The Committee is further concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The absence of juvenile courts in some regions,

(c) The situation of overcrowding in detention facilities,

(d) The holding of minors in adult detention facilities in some regions,

(e) The lack of reliable statistical data on the number of children in the juvenile justice system,

(f) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system, and

(g) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles

The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Undertake all necessary measures to ensure that juvenile courts are accessible to children in all regions of the State party;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty and ensure that children remain in contact with their families while in the juvenile justice system;

(d) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(e) Request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, UNICEF and the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

38 Lastly, **the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations of the Committee on the Rights of the Child

NETHERLANDS

1. The Committee considered the initial report of the Netherlands (CRC/C/51/Add.1) at its 578th to 580th meetings (see CRC/C/SR.578-580), held on 4 and 5 October 1999 and adopted[1] the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the clear and comprehensive nature of the report, which follows the Committee's guidelines. The report, however, focuses heavily on legislation, programmes and policy at the expense of information on the actual enjoyment of the rights of the child. While regretting their late submission, the Committee takes note of the detailed and informative written answers to the list of issues (CRC/C/Q/NETH.1) and some additional information provided to it during the course of the meetings, which enabled the Committee to assess the situation of the rights of the child in the State party. The Committee regrets the limitations placed on the State party's delegation by the unavailability of appropriate information to answer some of the questions during the discussion, which imposed constraints on a productive dialogue.

[1] At the 586th meeting, held on 8 October 1999.

B Positive aspects

3. The Committee welcomes the commitment and efforts of the State party in achieving a commendable degree of enjoyment by children in the State party of their rights through the establishment of infrastructure, comprehensive policies, legislation and administrative and other measures.

4. Moreover, the Committee commends the State party for its continued commitment to the rights of the child in its development assistance programmes and notes with satisfaction that the State party has exceeded the United Nations target of 0.7 per cent of GDP for development assistance.

5. The Committee commends the State party's efforts to combat the phenomenon of child-sex tourism.

6. The Committee notes with satisfaction the State party's ratification of the Hague Convention of 1980, on the Civil Aspects of International Child Abduction, and the Hague Convention of 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

C. Principal subjects of concern and the Committee's recommendations

C.1 General measures of implementation

7. The Committee is encouraged that the State party has indicated its willingness to reconsider its reservation to article 10 of the International Covenant on Civil and Political Rights. However, it notes with concern the reservations to articles 26, 37 and 40 of the Convention made by the State party. **In the light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to consider withdrawing all of its reservations.**

8. The Committee notes that cooperation with and the involvement of non-governmental organizations in the implementation of the Convention, including the preparation of the report, remain limited. **The Committee encourages the State party to consider a more systematic approach to involve NGOs, and civil society in general, throughout all stages of the implementation of the Convention.**

9. While acknowledging the initial efforts made to disseminate the Convention, the Committee regrets that the State party's report was not made widely available, or disseminated. Furthermore, the Committee is concerned that the State party is not undertaking information and awareness-raising activities on an ongoing basis. **In this regard, the Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention, in order to maintain a high level of awareness of the importance of the Convention among children and parents, civil society and all sectors and levels of government. Moreover, the Committee recommends that the State party develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges,**

lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers.

10. The Committee expresses its concern that measures and policies developed by the State party for implementation at the provincial and municipal levels are not sufficiently child rights-based. The Committee is concerned that compartmentalization of policy sectors often leads to fragmentation and overlap in respect of the implementation of the Convention. **In this regard, the Committee recommends that the State party adopt a comprehensive national plan of action to implement the Convention, and give increased attention to intersectoral coordination and cooperation at and between the central, provincial and municipal levels of government.**

11. While noting the positive aspects of decentralization in the implementation of child policies, the Committee is nevertheless concerned that it may contribute to bottlenecks in the implementation of provisions of the Convention. **The State party is encouraged to provide support to local authorities for implementation of the principles and provisions of the Convention.**

12. While acknowledging the role played by the Council for Child Protection and the "children's law polyclinics" in offering legal advice and information to children and in promoting their interests, the Committee remains concerned about the lack of an independent mechanism to monitor the implementation of the Convention. **The Committee recommends that consideration be given to the establishment of a fully independent ombudsman for children to monitor and assess the full implementation of the Convention.**

13. The Committee is concerned about the lack of information regarding the implementation of article 4 of the Convention and the use to the "maximum extent" of available resources to implement the economic, social and cultural rights of children. **The Committee urges the State party to develop ways to establish a systematic assessment of the impact of budgetary allocations and macroeconomic policies on the implementation of children's rights and to collect and disseminate information in this regard.**

C.2 General principles

14. The Committee welcomes the generally good levels of participation of children, particularly in secondary schools and at the local level. **The Committee encourages the State party to continue promoting such participation, in particular in decision-making processes in all matters affecting children themselves. In this regard, the Committee recommends that the State party develop training programmes for local officials and other decision-makers to enable them to take adequately into consideration the opinions of children presented to them, with particular emphasis on involving and reaching vulnerable groups, such as children of ethnic minorities. The Committee also recommends that more attention be given to the promotion of child participation in primary schools.**

C.3 Family environment and alternative care

15. In relation to article 11 of the Convention, the Committee notes that the Netherlands is a party to the Hague Convention of 1993, on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction. **The Committee encourages the State party to consider concluding bilateral agreements with States that are not parties to the two above-mentioned conventions.**

16. The Committee is concerned about the long waiting periods for placement in residential care. **The Committee encourages the State party to increase the number of places available in residential facilities, while giving increased attention to alternatives to placement in residential facilities, in particular foster family care services, bearing in mind the principles and provisions of the Convention, especially the best interests of the child.**

17. The Committee welcomes the recent efforts to establish a network of child abuse reporting and counselling centres and the plans to strengthen child abuse monitoring and reporting systems. However, the Committee remains concerned about the growth in reported cases of child abuse and about the level of protection available to children. **The Committee urges the State party to give increased priority to the prompt implementation and support of monitoring and reporting systems based on the position paper of the Ministries of Justice, and Health, Welfare and Sport concerning the prevention of child abuse and the protection and rehabilitation offered to victims of child abuse. Furthermore, the Committee recommends that the State party, in line with developments in other European countries, take legislative measures to prohibit the use of all forms of mental and physical violence against children, including corporal punishment, within the family.**

C.4 Basic health and welfare

18. The Committee welcomes the efforts made and understands the difficulties faced by the State party in protecting girls within its jurisdiction from female genital mutilation carried out outside its territory. **Nevertheless, the Committee urges the State party to undertake strong and effectively targeted information campaigns to combat this phenomenon, and to consider adopting legislation with extraterritorial reach which could improve the protection of children within its jurisdiction from such harmful traditional practices.**

19. The Committee remains concerned that the right of access to medical advice and treatment without parental consent, such as testing for HIV/AIDS, may be compromised in instances where the bill for such services is sent to the parents, violating the confidentiality of the doctor-child relationship. **The Committee recommends that the State party take adequate measures to ensure that medical advice and treatment remain confidential for children of appropriate age and maturity, in accordance with articles 12 and 16 of the Convention.**

20. The Committee is concerned at the low rates of breastfeeding. **The Committee encourages the State party to undertake breastfeeding promotion campaigns, stressing its advantages and the negative impact of substitutes, while providing counselling to HIV/AIDS-infected mothers about the risk of transmission of HIV/AIDS through breastfeeding.**

C.5 Education, leisure and cultural activities

21. The Committee is concerned that not enough attention has been given to the inclusion of human rights education in the school curricula, particularly at the primary level. **The Committee urges the State party to consider introducing human rights issues into the school curricula at earlier ages and to ensure that the Convention on the Rights of the Child and its provisions are adequately covered in the existing curricula for older children and in new curricula for primary school pupils.**

22. The Committee welcomes the efforts being made to address the problem of bullying in schools, including the "Safe schools" campaign. **The Committee encourages the State party to continue its efforts to prevent bullying in schools, to collect information on the extent of this phenomenon and, in particular, to strengthen structures to enable children to participate in adequately addressing and resolving this problem.**

C.6 Special protection measures

23. While noting the efforts to deal with unaccompanied asylum-seeking minors, the Committee is concerned that they may need to receive increased attention. **The Committee recommends that the State party strengthen measures so as to provide immediate counselling and prompt and full access to education and other services for refugee and asylum-seeking children. Furthermore, the Committee recommends that the State party take effective measures for the integration of these children into its society.**

24. The Committee takes note of the efforts made to raise steadily the age of recruitment into the armed forces and involvement in hostilities. It also notes the declaration stating the intention of the State party to apply a higher standard than that required by the Convention, and its commitment to international efforts in this regard. **Nevertheless, the Committee urges the State party to reconsider its present recruitment policies, with a view to setting the age of recruitment into the armed forces at 18 years.**

25. The Committee welcomes the information provided on the improvements that the Youth Custodial Institutions Act will introduce to deal, as quickly as possible, with complaints regarding ill-treatment. **Nonetheless, the Committee recommends that due attention be given to ensuring that efforts to settle such complaints promptly through a mediation procedure will not result in less than thorough investigations.**

26. The Committee is concerned about the delays faced by juvenile offenders in need of psychological and psychiatric treatment. **The Committee recommends that the State party increase the availability of places in institutions in order to provide these juvenile offenders with timely and appropriate treatment.**

27. On the protection of children from sexual abuse, the Committee welcomes the attention given by the State party to the impact of the "complaint requirement" for prosecuting offences committed against children between 12 and 16 years. However, the Committee remains concerned that the balance sought between protecting children against sexual abuse and protecting their sexual freedom may still unduly limit protection from abuse. The Committee also remains concerned that efforts to increase the protection of children against exploitation in the production of pornography have not made further progress. **The Committee encourages the State party to continue reviewing its legislation and policies so as to modify the "complaint requirement" for prosecution of sexual offences committed against children over 12. Furthermore, the Committee encourages the State party to change its legislation with a view to improving the protection of all children from inducement to participate in the production of pornographic shows or materials, and from other forms of commercial sexual exploitation. While welcoming the introduction of such legislation, the Committee also encourages the State party to consider reviewing the "dual criminality" requirement in legislation establishing extraterritorial jurisdiction for cases of sexual abuse of children.**

28. The Committee notes the concern of the State party with respect to the problem of the sexual exploitation of children, often victims of trafficking, including the disappearance of unaccompanied minor asylum-seekers from reception centres. The Committee, however, remains concerned that no specific policies and measures appear to be contemplated at this point to address the problem as a matter of urgency. **The Committee urges the State party to give prompt and serious attention to the need to ensure that children are not used as prostitutes and that asylum-seeking procedures, while fully respecting the rights of unaccompanied minor asylum-seekers, effectively protect children from involvement in trafficking for sexual exploitation. Further, the Committee recommends that the State party adopt a comprehensive national plan of action to prevent and combat commercial sexual exploitation of children, taking into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress Against Commercial Sexual Exploitation of Children.**

29. The Committee notes the monitoring of the educational performance of children from ethnic minorities, but it remains concerned that the results continue to show noticeable disparities. **The Committee urges the State party to review its efforts closely and to consider the possibility of providing further assistance to children at risk and the need to provide assistance to families from ethnic minorities with socioeconomic problems, thus addressing the root causes of poor educational performance.**

30. The Committee is seriously concerned about the implications of the reservation entered by the State party on the applicability of adult criminal law to children over 16 years of age. The Committee is also seriously concerned at information provided which indicates that children aged 12 to 15 are also sometimes tried under adult criminal law. **The Committee urges the State party to ensure that under the existing law no child under the age of 16 at the time of the commission of a crime is tried under adult criminal law, and to review the reservation mentioned above with a view to withdrawing it. The Committee further recommends that the State party takes legislative steps to ensure that a life sentence cannot be imposed on children who are tried under adult criminal law.**

31. **Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.**